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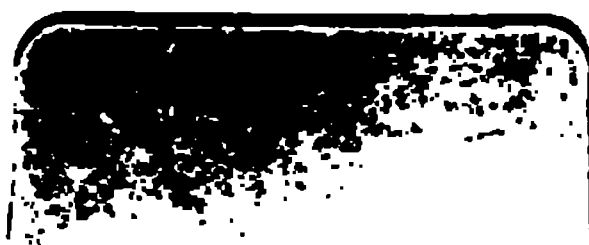
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# FIFTEENTH REPORT

OF THE



UNITED STATES

CIVIL SERVICE COMMISSION.



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July 1, 1897, to June 30, 1898.



WASHINGTON:  
GOVERNMENT PRINTING OFFICE.

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# FIFTEENTH ANNUAL REPORT

## OF THE

# UNITED STATES CIVIL SERVICE COMMISSION.

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WASHINGTON, D. C., *November 1, 1898.*

SIR: In accordance with the requirement of law, the Commission has the honor to submit its report for the past year. It is deemed fitting to call attention to the culmination of Spanish misrule in Cuba, Porto Rico, and the Philippines during the year, which most strongly and peculiarly emphasizes the value and necessity of strict adherence to a merit system in governmental administration. The case of Spain presents a most striking example of the legitimate fruit of the patronage system in the selection of government officers and employees. The logical issue of such a system of appointments must inevitably be corruption and misrule under any form of government. The Commission is therefore especially pleased to note the continued progress in improving the methods employed in the civil service of our own country.

During the year the classification of the entire customs service has been accomplished, and many post-offices have been brought within the provisions of the civil-service law and rules by the extension of the free-delivery service. It is gratifying to note also that the various State and municipal governments have made a corresponding degree of advance. With the recent acquisition of outlying territory, it becomes important that the principles of the civil-service law should be an essential factor in exercising all of the functions of our Government.

Some differences have arisen between the Commission and the officers of certain Departments as to the enforcement of the civil-service rules. Most of these matters have been adjusted satisfactorily, and with benefit to the service. Experience has fully proven in all cases that the highest degree of efficiency, economy, and good administration is secured by the strict enforcement of the civil-service act and rules on the part of public officers.

The attitude of the early Presidents as to the civil service of the Government, the departure in succeeding Administrations from the methods previously followed, and the many attempts, culminating in the act of 1883, to restore the earlier practice are outlined in the appendix to this report. This systematic presentation of facts clearly

## FIFTEENTH REPORT OF CIVIL SERVICE COMMISSION.

shows that the purpose and logical result of reform in the civil service which became operative under the act of 1883 is not an innovation, but merely a return, as nearly as may be, under changed conditions, to the principles and practices laid down by the founders of our Government and followed by the earlier Administrations.

### Examinations and Appointments.

The number of persons examined for entrance to the classified service during the past fiscal year was 44,782, of whom 22,263 were examined for the departmental service, 547 for the Government printing service, 14,891 for the post-office service, 4,772 for the custom-house service, and 2,309 for the internal-revenue service. Promotion examinations were given during the year to 862 persons who were in the service, and 68 persons were examined for transfer. The total number examined was 45,712, of whom 30,600 passed and 15,112 failed. Compared with the prior year, this is a decrease of 4,859 in the number examined, an increase of 1,126 in the number who passed, and a decrease of 1,985 in the number who did not pass. The papers of 160 persons were filed for registration without competitive tests under section 3 of Rule VII, and 220 were examined at the request of the Commissioners of the District of Columbia for their service, which is not classified, making a total of 46,092 persons whose papers were received and disposed of by the Commission during the year. Since the noncompetitive registration of the 160 persons mentioned noneducational competitive tests have been provided for those parts of the service in place of the noncompetitive registration.

The number of persons appointed from competitive examination during the year was as follows: Departmental service, educational examinations, not including Railway Mail and Indian services, 1,190; Railway Mail service, 698; Indian service, 212; noneducational examinations, 2,336. Custom-House service, 202; Post Office service, 1,738; Government Printing service, 245; Internal-Revenue service, 129; total, 7,870. The Commission also issued certificates for the promotion, through examination, of 82 persons; for the reinstatement of 1,133 persons; and for the transfer of 522 persons from one position to another in the classified service. The total number of persons appointed, promoted, reinstated, and transferred upon the certificates of the Commission was 9,607.

### Efficiency and Economy in the Service.

One of the chief objects of the enactment of the civil-service law was to promote efficiency, and thereby to secure a greater degree of economy in the public service. While the Commission has called attention from time to time to the reports from the heads of Departments, Bureaus, and offices referring to the beneficial effects of the classification, it is only recently that it has been possible to make a satisfactory

estimate of the economy secured under the operation of the civil-service law.

Officials in charge of collecting the customs duties of the Government have emphatically stated that there has been a saving of about one-fourth in the cost of gathering this part of the public revenue. If their estimate is correct, this item alone shows a saving of nearly \$2,000,000 per annum. The Commission is satisfied that if the internal-revenue service were conducted with the same regard for the civil-service law and rules as the customs service has been, a very large saving would also be shown in the cost of collecting that part of the revenue. It can not be expected that as efficient an administration can be obtained where other than business considerations determine appointments, which should be based upon a purely business organization devoted solely to the collection of public revenue. The increased efficiency which has been obtained under the civil-service law in the railway mail and post-office services is perhaps the most conspicuous and best known to the public. There is no doubt that several million dollars are saved annually by reason of the classification of so large a proportion of the employees of the Post-Office Department, notwithstanding its great increase of work since the passage of the civil-service act. The other parts of the service also present an excellent showing as to the economy secured from the increased efficiency which has characterized the employees since their classification.

As the executive civil service is placed upon a more thorough merit basis, and public officers make the appointment, retention, and promotion of their subordinates depend solely upon the best interests of the service, uninfluenced by other considerations than fitness, there must necessarily be a yet larger gain in the efficiency and economy with which the work of the Government is conducted. The importance of the question of efficiency in the public service can scarcely be overestimated, as the aggregate of salaries annually paid to the officers and employees of the executive branch of the service is already more than \$100,000,000. A conservative estimate, based upon official reports of public officers, indicates as a result of the operation of the civil-service rules a net saving in salaries paid of at least 10 per cent, or about \$10,000,000. Furthermore, the annual expenditure of several hundred millions of dollars depending largely upon the recommendations of the subordinate officers and employees shows the great importance of efforts to increase the efficiency of the working force of the Government, in order that more economical results may follow the higher intelligence and ability displayed by the thousands of classified officers and employees.

### **Promotion Regulations.**

The Commission has frequently referred to the importance of providing suitable regulations to govern the promotion or retention of employees, so that the question of salary may be determined solely by

their qualifications and without regard to political, personal, or other considerations.

Under a misapprehension of the jurisdiction of the civil-service law and of the Commission, criticism is frequently made against the operation of the law and rules, because appointing officers, after being relieved of the importunity of applicants for appointment are still subjected to the pressure for promotion. It has been found that the greatest efforts are usually exerted in behalf of those who are the least worthy of advancement, as they are conscious of their own lack of ability and therefore feel the necessity of bringing extraneous influences to bear to secure promotions to which others are more entitled by merit. It is due the Commission to state that the enforcement of promotion regulations must depend upon the heads of the departments and offices to which they have been applied. Without doubt a very large number of promotions in all branches of the service are based solely upon merit, but it is equally true that others are made without a just regard to the fitness of those who are promoted. Few things can be more demoralizing to the service than the promotion of incompetent employees over the heads of those who have established their competency. Most of the criticism against the merit system in the past has been based on unjust promotions, reductions, or removals. While the difficulties in the way of securing just and equitable promotion regulations are fully recognized by the Commission, yet it is believed that an accurately kept record of the relative efficiency of employees based upon the character, quality, and quantity of work which they perform, should furnish a reliable basis for promotion in all cases except where it is necessary to test additional special or technical qualifications by special examination. Proper regulations for promotion would prevent outside influence from being exerted, so that the officers in charge might be untrammelled and unembarrassed in considering the relative merits of employees in determining fitness for promotion.

When an employee's efficiency entitles him to promotion, the regulations should require that he be promoted as soon as opportunity arises for his advancement. If he falls below the standard of efficiency fixed by the regulations, whatever the cause, he should be reduced in grade or his services entirely dispensed with, as may be thought best for the interests of the service. Under the old patronage system the superannuation of an employee and the consequent impairment of his usefulness as a rule did not result in reduction or removal unless he was unable to muster sufficient influence to retain his position. Attention is called to the fact that nearly, if not all, of the superannuated employees now in the service must have been appointed before the passage of the civil-service act, as the average age of those entering the service through the Commission's examinations is about 30 years. It will therefore be seen that the bills which have



recently been introduced in Congress for the establishment of retirement funds are almost entirely for the benefit of those who entered the service before classification. The adoption of suitable rules to regulate promotions and reductions will, it is believed, in a large measure prevent the filling of responsible positions by superannuated employees, for when position and salary are determined solely by reference to fitness, responsible positions with large salaries will no longer be filled by persons who have been rendered inefficient by age, physical disability, or other cause. The charge that the merit system means life tenure must necessarily lose its force when, by the operation of suitable regulations, tenure in the service, as well as entrance thereto, is determined solely by fitness. When such regulations which are required by the civil-service law are in successful operation, the question of life tenure will have become a dead issue.

### **Removals for Just Cause.**

As stated in the fourteenth report, the President, on July 27, 1897, amended Rule II by adding the following section:

No removal shall be made from any position subject to competitive examination except for just cause and upon written charges filed with the head of the Department or other appointing officer, and of which the accused shall have full notice and an opportunity to make defense.

This rule is one of the most important ever issued relating to the executive civil service, and after a full year's operation has met the hearty approval of the public and of most of the executive officers of the Government.

In the latter part of 1887 the Commission, realizing the value of a record of the causes of removals, prepared for submission to the President an amendment to the rules, which provided that—

Whenever a dismissal from the executive civil service is made, a written statement of the cause of the dismissal must be filed in the Department or office from which the dismissal is made and become a part of the records of such Department or office.

Although this amendment was not at that time approved by the President, an earnest effort has been made continually since then to secure the promulgation of some similar rule, and the action taken on July 27, 1897, not only covered the points originally proposed, but went further, and provided that the accused should have full notice of the charges or reasons for his removal and an opportunity to make defense.

Soon after the promulgation of the new rule, several cases were instituted in the courts alleging that its provisions had not been observed. It was feared by some officials that resort to the courts under this rule might prove an embarrassment to the service, but this fear was promptly dispelled, as the courts uniformly declined to take cognizance of its provisions, and held that punishment for its violation rested solely

with the President, on the ground that this rule was not one of those which derived their efficacy from the civil-service act. Under the administration of this rule the reasons for removal are a matter of record, and therefore require the officer exercising the power of removal to weigh the reasons with conscientious care. While not impairing in the slightest degree the exercise of the power of discipline, this rule protects the service from abuse, lessens the temptation to make improper removals, and affords a just degree of protection to the faithful and efficient employees. It is the duty of the Commission to make investigation and report upon the enforcement and effect of this rule, the same as of other rules, and if, therefore, the Commission's files could contain a record of the action of the Departments under this rule its execution would be greatly facilitated. It has therefore been recommended that the Departments be directed, in the case of removals under this rule, to furnish to the Commission copies of the charges made and the answers thereto. The purpose of this recommendation is not that the Commission may review the findings of the Department upon the charges and answer, for it is not believed that such action of the Commission would be either authorized or advisable; but this copy of the record of the action taken is desired merely to enable the Commission more readily to ascertain whether a person, before his removal, is furnished with the reasons for the removal and given an opportunity to make answer, in accordance with the terms of the rule.

The administration of equitable promotion regulations, reenforced by a just discrimination in removals under this rule, must necessarily promote the betterment of the public service.

#### **Enforcement of The Civil-Service Law and Rules.**

The success of the Commission's work under the civil-service law and rules naturally must depend, in a large measure, upon cooperation with the Commission on the part of officials connected with the classified service. Such cooperation is clearly contemplated by the law, which expressly prescribes that its provisions shall be equally binding upon all officers of the United States connected with the different parts of the service within those provisions; and all such officers are charged with the enforcement of the civil-service law and rules equally with the Commission. The Commission is glad to state that a large number of such officials recognize the duty and responsibility thus imposed upon them, and manifest a desire for the proper enforcement of the law so far as concerns the service under their charge; some, even, who as a matter of personal opinion do not fully agree with the requirements and provisions of the law and rules, nevertheless realize that it is no less their duty to carry out those provisions and requirements, and hence act accordingly. On the other hand, the Commission regrets to report that there has not at all times been that cooperation and effort, on the part of some officials, in carrying out the law and rules which

are required by the statute. The wisdom and necessity of this requirement of law was well illustrated after the large extension of the classified service in May, 1896. It was expected that there would naturally be some difficulty in applying the rules to some of the newly classified services, on account of their peculiar requirements. It has been found that in all cases as soon as the officers in charge give unqualified support to the system and unite with the Commission in its suitable and reasonable application, little embarrassment or difficulty has been experienced, and decided benefits to the service have been demonstrated almost from the beginning; the life-saving service, the light-house service, the engineer service at large, etc., may be cited as illustrations in support of this statement. In this connection particular attention is invited to that part of the appendix to this report which contains extracts from the annual reports of the General Superintendent of the Life-Saving Service and of the Light-House Board, and also reports and statements from other officials.

In all cases where proper cooperation has not been received from public officials, the Commission has endeavored to gain the support of such officials and to bring about a satisfactory operation of the rules in the services under their charge. As an instance of lack of cooperation and harmony between the Commission and executive officers, the internal-revenue service may be cited. The case of the internal-revenue service, with others of similar character, are treated at length in the appendix to this report.

It is but fair to add that in many cases failure to fully observe the requirements of the law on the part of public officials has been due to misapprehension either as to the nature of those requirements or as to the effect of them, and as soon as these were thoroughly understood all opposition has been withdrawn.

### **Temporary Appointments.**

Prior to the revision of the rules on May 6, 1896, there was no express provision for filling vacancies in a newly classified office or service before an examination was held and eligibles secured. In an opinion of the Attorney-General it was held that, in the absence of an express provision of this kind, appointments could be made without examination and certification by the Commission until the date of holding an examination; in other words, that the date of holding the first examination for a newly classified office or service was the time when such office or service was brought within the practical operation of the rules. The rules as revised on May 6, 1896, meet this condition, and bring any office or service within the full operation of the rules immediately upon its classification, by providing that whenever there are no names on any register for any position in which a vacancy exists and the public interest requires that the vacancy be filled before eligibles can be provided, it may be filled by temporary appointment without examination for

such part of three months as will enable the Commission to furnish eligibles. This provision of the rules, however, applies to the entire classified service, whether newly classified or otherwise; but, of course, does not apply in the case of any vacancy for which the Commission is prepared to certify eligibles.

The purpose of this provision seems clearly to be to facilitate execution of public business by enabling the departments, with as little delay as possible, to fill existing vacancies temporarily for which there are no eligibles, pending the execution of the details necessary to securing eligibles. It also contemplates limiting temporary appointments without examination to cases where the public interest requires them. In other words, the intent of this provision of the rules is not that filling vacancies by temporary appointment without examination shall be the general practice, but the exception. It presupposes that as a general rule either a vacancy may be sufficiently anticipated to enable the Commission to provide eligibles as soon as they may be needed, or the public interest will not require the vacancy to be filled prior to a time when the Commission can furnish eligibles.

In some cases, however, appointing and nominating officers have apparently failed to fully understand the intent and purpose of this provision of the rules and thus placed themselves in the attitude of not observing it. For example, some nominating and appointing officers have construed this provision as authorizing them to fill any and every vacancy by temporary appointment; but on the contrary, as long as the Commission is prepared to certify eligibles no vacancy can be filled even temporarily except by selection from those certified by the Commission, unless an emergency arises requiring a vacancy to be filled before the Commission's authority or certificate can be obtained. This emergency appointment, however, can continue for only such part of thirty days as will enable the Commission to make a certification of eligibles, when the vacancy must be regularly filled by selection from this certificate.

While the provision as to temporary appointments is believed to be in the interests of good administration when confined to cases where the conditions prescribed in the provisions actually exist, yet it is equally manifest that, both from the standpoint of the appointing officers and of the Commission, a temporary appointment should never be made except when the public interest demands it. Upon authorizing a temporary appointment it at once becomes the duty of the Commission to secure eligibles through competitive examination, from whom a selection may be made for regular appointment. Occasionally the temporary appointee is not within reach of certification as a result of the examination, or perhaps has failed to pass the examination, and the appointing officer nevertheless desires to retain his services, which is not permissible under the law. It will thus be seen that the frequent occurrence of temporary appointments is an embarrassment and annoyance both to *the Departments and the Commission*.

**Service Record and Check upon Illegal Appointments.**

The thirteenth report referred to the inauguration of a card index system designed to give an official history of each officer and employee in the executive civil service, showing at any time all changes in his official status from his original entrance to the service, there being a separate card for each officer and employee. This system is being completed and perfected as rapidly as practicable, and for the parts of the service for which it has been completed the expectations as to its usefulness have been fully realized. In pursuance of the rules, each nominating or appointing officer in the service makes a detailed monthly report to the Commission of all changes during the month in the service under his control, including all appointments, reinstatements, transfers; separations from the service, with their cause; reductions, promotions, the name of each person whose status is in any way changed, the position from which and to which each change is made, and the compensation of each position from which or to which each change is made. The information contained in these monthly reports is entered upon the proper individual cards, the index thus showing the exact official status or service record of each officer or employee in the service at the end of the previous month. Under this system detailed information can readily be given which heretofore could only be obtained after much delay and difficulty through inquiries from the different Departments and offices. Furthermore, this service record system, when completed, will afford one place wherein will be shown the whole action taken in the exercise of the power of appointment, removal, and change of official status throughout the service; and from this record the cost of the entire executive civil service can be easily ascertained in detail, and the matter of an equitable readjustment of salaries based upon duties performed will be facilitated. It is also interesting and valuable as showing in detail the different kinds of duties transacted by Government officers and employees.

The principal importance and immediate practical value of the systematic arrangement of all of this information for ready reference are perhaps in detecting irregular appointments, removals, or other changes of status made by appointing officers through misapprehension or otherwise. Such irregularities are at once disclosed by means of this information, and being a matter of public record their correction is more readily secured.

Soon after the revision of the rules in May, 1896, the Commission took steps toward supplementing this check upon irregular changes in the service by bringing the case of a person holding a position contrary to the provisions of the civil-service law and rules to the attention of the proper accounting officer, with a view to the disallowance of credit for compensation paid to such person. The civil-service act declares that no person shall be appointed to occupy a classified position except upon appointment in accordance with the provisions of that



act. In a decision by the Comptroller of the Treasury under date of July 25, 1896 (3 Comp. Dec., 53), as to the effect of the civil-service law upon the action of accounting officers, it was held that in the absence of specific information to the contrary, accounting officers will treat an appointment as having been legally made, and allow credit for compensation paid to the person appointed. It would seem that this was impliedly holding that *with* satisfactory specific information before an accounting officer, received from any source, to the effect that an appointment has been made contrary to law, he will treat the appointment as having been *illegally* made, and *disallow* credit for compensation. Under the same date the Comptroller decided as follows as to the provisions of Rule VIII authorizing temporary appointment:

Under this rule it seems quite clear that no payment could be made to the person employed thereunder until his appointment was approved by the Commission.

It seems only reasonable to infer from this decision as to temporary appointment that no appointment to the classified service can be legally made without the certificate of the Commission, inasmuch as the law and the rules in pursuance thereof are explicit in the requirement that no appointment shall be made to a classified position except upon certification of the Commission. It is interesting to note, also, in this connection that under date of January 21, 1897, the Comptroller in effect confirmed his decision of July 25, 1896, and held further that the appointing officer was unable to continue an appointment beyond the time authorized by the Commission, "because to have done so would have violated the civil-service rules above quoted, and which have the force of law," referring to quotations from the rules requiring the certificate of the Commission for appointment. It is believed that if accounting officers should take the action which seems to be contemplated by these decisions, very few, if any, illegal appointments would be made.

#### **Assignment of Unclassified Laborers to the Performance of Clerical and other Classified Duty.**

Positions of mere laborer have never been brought within the classified service, the civil-service act providing that such positions shall not be required to be classified. Soon after the law went into effect, however, persons holding positions of unclassified laborer began to be assigned to the performance of classified duty. The extent of such assignment increased, and the Commission from time to time in its reports called attention to the manifest evil resulting therefrom and to the necessity for some provision of law or Presidential rule whereby such assignment should cease. On June 10, 1896, the following order was issued by the President and promulgated by the heads of departments and offices:

Hereafter no person who is appointed as a laborer or workman without examination under the civil-service rules shall be assigned to work of the same grade as that performed by classified employees.

It was hoped that this order would have the desired effect of putting an end to the practice of assigning unclassified persons to classified duty. The Commission regrets to report, however, from information received from time to time in the shape of complaints and protests, that while perhaps this Executive order operated as a check for a time upon this practice, yet it has been resumed and the assignment of persons appointed to unclassified positions to the regular performance of classified duty is again being made to a considerable extent.

The evils of such assignment are naturally so patent as hardly to require demonstration. For example, under this practice it is noted that the number of unclassified laborer positions increases out of all proportion to the need for mere unclassified labor, and in some cases the number of persons actually engaged in the performance of unclassified labor is reduced to the smallest proportions, the result being that many unclassified laborer positions are held by persons not assigned to the duty belonging to their positions, but to clerical and other classified duty; in this manner a large amount of work which the civil-service law and rules clearly contemplate shall be performed by persons appointed in accordance with their provisions is actually performed by other persons appointed outside of their provisions, under what is known as the patronage system, or otherwise. Moreover, this practice is clearly unjust to citizens who take the examinations provided for entrance to classified positions, and who have a right to expect that classified duty will be performed by persons appointed through these examinations. It is an equal injustice to that class of our citizens who are fitted and willing to perform unclassified labor, but who are not qualified or do not desire to compete for the classified positions.

While, perhaps, this sort of assignment is not in direct violation of any provision of the law or rules, yet it is clearly subversive of the principles of the system sought to be established by the civil-service act, and the conditions resulting therefrom as herein outlined can not but be detrimental and demoralizing to the service. The Commission therefore regards the assignment of unclassified employees to the performance of classified duty as a very serious evil, and earnestly recommends that such action may be taken as will insure its positive discontinuance. As a form of action for this purpose the Commission will shortly recommend an amendment to the civil-service rules which will prohibit this practice and require all nominating and appointing officers to certify in their monthly reports of changes that no person holding an unclassified position has during the month been regularly assigned to the performance of classified duty. If such an amendment were supplemented with a plan for the registration of applicants for positions of mere laborer, whereby their fitness for such work is demonstrated by the possession of the necessary physical qualifications and by past occupations, it is believed that these improper assignments would, in a large measure, at least, be discontinued, and legitimate



employment would be furnished to those properly qualified for this kind of labor. Attention is invited to a statement in the appendix to this report as to the assignment of unclassified laborers to clerical and other classified work.

#### **Apportionment of Appointments.**

The civil-service act and rules provide, with certain express exceptions, that an apportionment of appointments in the Departments and offices in Washington, D. C., shall be maintained among the several States and Territories according to population. The Commission has continued to carry out this provision in making its certifications, no State or Territory with an excess of its share under the apportionment receiving a certification so long as there were sufficient suitable eligibles from other States. Transfers under the civil-service rules are in fact appointments, and consequently a transfer from the unapportioned to the apportioned service comes clearly within the mandatory provisions of law as to apportionment, and therefore the Commission is required to observe this provision in issuing certificates for this class of appointments. In the appendix appears a table showing the percentage of appointments received by the several States and Territories in the Departments in Washington, D. C. Some of them are shown to have received a larger percentage of the share of appointments to which they are entitled than others, and this condition is occasioned by the lack of eligibles from certain States, by requisitions from Departments for reinstatement or transfer of persons who are residents of States already having a larger percentage of appointments than some others, and by the certification of eligibles entitled to preference under section 1754, Revised Statutes. With no purpose of embarrassing the Departments by preventing transfers requested, the Commission endeavors to carry out the provision of law as to apportionment as nearly as may be by declining to issue certificate for the transfer of persons who are residents of States which have received an excess of appointments under the apportionment.

At the beginning of the fiscal year covered by this report, in order to more equitably carry out the provisions of apportionment, the Commission adopted a system of crediting separations from the service as well as debiting appointments to the respective States and Territories, and also of charging reinstatements as well as original appointments. This amendment of regulations has materially contributed to a more just distribution of appointments among the several States and Territories.

#### **Apportionment of Appointments in the Government Printing Office.**

At the time the Government Printing Office was brought within the provisions of the civil-service law and rules, on June 13, 1895, the question of apportioning appointments therein among the several States

and Territories upon the basis of population was carefully considered by the President, the Public Printer, and the Commission. It was the opinion at that time that it would be difficult to maintain such an apportionment, owing to the character of the positions and the probability that eligibles would be secured only from a comparatively small number of States and Territories. Accordingly, the rules then promulgated for the application of the law to the Government Printing Office did not provide for an apportionment of appointments, leaving the matter to be further considered at some future date, so as to afford opportunity to observe the operation of the rules with a view to determining whether a sufficient number of States were represented among the eligibles secured for the Government Printing Office to warrant a provision requiring the apportionment of appointments.

On June 14, 1898, the Public Printer recommended that future certifications of eligibles for clerical positions and positions in any of the recognized trades be made so as to maintain, as nearly as the conditions of good administration will warrant, the apportionment of appointments to such positions among the several States and Territories and the District of Columbia upon the basis of population, according to the number of employees provided by law for the Government Printing Office who are holding such positions. The Commission at once approved this recommendation, and a suitable amendment to Rule VIII was submitted to the President and approved by him under date of June 15, 1898.

Since this amendment to the rules no State or Territory having an excess of its share of appointments to these positions in the Government Printing Office, as shown by the apportionment, has received any further appointments. In the appendix to this report will be found the information which formed the basis upon which the apportionment was established, together with a table showing the share of appointments received by each State and Territory. It will be observed that while some of the States have received much less than their share other States have received an excess, the inequality being due to the fact that prior to the establishment of apportionment the District of Columbia and the less remote States had received an excessive share of appointments.

It is interesting to note the difference between the apportionment in the departmental service and as established in the Government Printing Office. In the former case no account was taken of the residence of those already in the service, only such appointments being apportioned as have been made since the classification of the respective departments and offices, while in the Government Printing Office the system of apportionment includes persons who were in the service on June 15, 1898, and hence appointed prior to the application of apportionment, as well as those appointed after that date. This explains the larger inequalities shown in the apportionment table for the Government Printing Office *as compared with that* for the departmental service.

**Scope, Character, and Value of Examinations.**

The Commission has continued its endeavors to make the examinations more and more practical and complete as tests of fitness for the positions to be filled. It has been assisted in this work with many valuable suggestions from the Department officials, as well as others, both in and out of the public service.

It is the constant aim of the Commission to make its examinations conform as nearly as possible to the specific requirements of the positions to be filled and to exclude all subjects which are not appropriate tests for determining relative fitness. Experience has clearly proven the value of the noneducational examinations, which are known as competitive registration. During the past year it has been found that this class of tests, which may properly be called experience examinations, is especially adapted for determining relative qualifications for most of the mechanical trades and other similar positions. Modifications of the experience examination have also been used with very satisfactory results for some of the most technical positions for which the Commission has recently secured eligibles. That the examinations as they are now prepared do determine the relative qualifications of the persons examined is clearly shown by the fact that less than 2 per cent of those selected from certification fail to receive absolute appointment at the end of their trial or probationary period of service.

During the year it has been necessary to hold several examinations for positions in which vacancies had not hitherto occurred since their classification. The character of the duties required in these positions demanded that special care should be taken in the preparation of the tests employed in examining the candidates for them. While these examinations were necessarily experimental to a considerable extent, it is believed that the thorough sympathy which existed between the public officers and the commission in the desire to secure eligibles who should be thoroughly qualified for the positions has resulted in obtaining especially competent persons for the public service. Among these positions were those of chief computer for the office of the Supervising Architect of the Treasury, assistant Treasury agent for the seal islands in Alaska, keeper of the aquarium at the Zoological Park in the District of Columbia, chief of the Division of Library and Archives for the Coast and Geodetic Survey, astronomical photographer for the Naval Observatory, and superintendent of documents for the Public Printer.

Owing to the limited number of examiners and clerks on the Commission's force and the great variety and extent of its examining work, delays in the preparation of some of the technical examinations have been unavoidable. The civil-service act contemplated that the Commission should at all times be at liberty to draw upon the specialists in the different departments for assistance in performing this part of its duty. Notwithstanding this provision, a certain amount of reluctance *has occasionally* been displayed in some of the departments and offices

in rendering aid of this kind, which has contributed to the delay in perfecting the arrangements for some of these examinations during the year, although the Commission has endeavored to hold all examinations within a reasonable time after receiving notice that eligibles with special qualifications would be needed. As experience increases the Commission's information in reference to such positions in the public service, and it comes more closely in touch with their needs and requirements, it will be able to perfect its tests of fitness for them, the same as it has done in the case of examinations which have been frequently held.

As an indication of the magnitude and variety of the examining work, it may be stated that it was necessary to provide for more than two hundred different kinds of examinations during the year, which ranged from the simplest to those of the most technical character.

With respect to scope and character, the examinations may be classified as follows:

1. Noneducational examinations, which are limited to an investigation of the applicants' physical ability, experience, and skill as workmen. While many of these examinations require applications in the handwriting of the applicants, this requirement is waived for certain classes of positions, where, in the opinion of the Department concerned, well-qualified persons might be barred from competition as a result of such requirement. In such cases the applicants are permitted to have the required facts set forth in the handwriting of another, and are allowed to sign their applications by mark.

2. Examinations for positions requiring only a greater or less amount of general intelligence. These examinations include tests in the common educational branches, and are of three grades or degrees of difficulty. The education required to compete successfully in any of these examinations can be easily acquired in the ordinary district schools of the country.

3. Examinations combining general intelligence tests with those of a practical or technical character, pertaining to the particular duties of the positions to be filled. These examinations usually include a consideration of prior experience in the particular kind of work to be performed.

4. Purely technical examinations, which comprise practical and technical questions and tests, and generally include the consideration of previous training and experience for the particular work to be performed.

It should be clearly understood that the examinations given by the Commission are but preliminary to the true practical test, which is the probationary or trial appointment, where the person selected is called upon to perform the duties of the position for which he was examined, which is therefore the final test of fitness. If he passes this test satisfactorily to his superior officers, he then becomes entitled to absolute

appointment, and his examination is complete. It will thus be seen that the purpose of the Commission's examinations is to determine which competitors shall be considered in awarding the first opportunity for trial in the position to be filled.

With its added experience and a nearer approach to perfection in the machinery of administering its work, the Commission feels confident of its ability to improve from year to year the standard of excellence of the persons selected for appointment as a result of its examinations.

For more detailed information and statistics showing the result of the examinations during the year, attention is invited to the report of the chief examiner in the appendix, which also shows the difficulties under which the Commission labors on account of inadequate appropriations for traveling expenses, because of which the instruction of local boards of examiners has necessarily been curtailed. As the chief examiner suggests, the Commission can not do this work properly and make such inspection as is contemplated by the law without a substantial increase in this part of its appropriation.

#### **Status of the Positions of Office Deputy Marshals, Clerks to United States Attorneys, and Deputy Collectors of Internal Revenue.**

The positions of office deputy marshals and of clerks in the offices of United States attorneys were classified by the Department of Justice under the order of the President of May 6, 1896. These positions, with others, were reported by the Department to the Commission as having been classified, and thus were brought within the provisions of the civil-service law and rules. Since their classification the Commission has at all times been prepared to certify suitable eligibles for these positions from its registers; for example, the registers of eligibles for positions of general clerk, stenographer and typewriter, bookkeeper, law clerk, etc., and the Department has been notified accordingly. Notwithstanding this, however, the Department has never made a requisition upon the Commission for a certification of eligibles to fill any of these positions, but on the contrary, has made appointments to them with entire disregard of the provisions of the civil-service law and rules. The Department's attention has repeatedly been called to these irregular appointments, but thus far they have not been corrected. In the opinion of the Commission the only ground upon which these positions could be considered as not legally classified would be that they are not in the executive branch of the Government, as all the other conditions imposed by the civil-service act have been fully satisfied. On October 7, 1898, in order to have the matter properly determined, the Commission requested the President to ask the Attorney-General for an opinion as to the legality of the classification of these positions. The only response to this request was a letter from the Attorney-General to the Commission, stating in effect that there have been differences of opinion as to whether or not these officials are



within the civil-service rules, the Commission taking one point of view and the Department practically taking another, and that the rendering of an official opinion upon the legal question would not have any use except an academic one, and suggesting that the matter be settled by an amendment to the rules excluding these positions from their operation. Unless the classification of these positions be ordered revoked by the President or declared illegal by opinion of the Attorney-General or by other competent authority, the Commission is compelled to treat them as in the classified service and to disapprove appointments thereto without compliance with the civil-service law and rules.

In its fourteenth report the Commission referred to the contention of the Internal Revenue Bureau that section 3148 of the Revised Statutes, providing for the appointment of deputy collectors of internal revenue, authorizes collectors to make such appointments without compliance with the civil-service law and rules. As stated in that report, the Secretary of the Treasury in 1897 submitted to the Attorney-General for opinion the question of the status of deputy collectors of internal revenue, and after consideration of the question the Attorney-General returned the case to the Treasury Department without decision, as being a hypothetical question; later, the Secretary of the Treasury submitted the question to the Solicitor of his Department for decision, but the Commission has not been informed of what, if any, action has been taken by the Solicitor.

During the past year the status of this question has remained unchanged. The Internal Revenue Bureau has continued to hold that collectors may appoint deputies without compliance with the civil-service law and rules, and in many cases has acted accordingly, and in consequence some deputy collectors of internal revenue have been appointed during the year without regard to the provisions of the civil-service law and rules. This action of the Internal Revenue Bureau has apparently received the tacit approval of the Department. The opinion of the Commission, which it has continued to reassert, may be stated as follows: (1) That there is clear authority of law for the action of the President in directing the classification of deputy collectors of internal revenue and for the compliance with that direction on the part of the Department; (2) that whether the power of appointment of deputies of internal revenue lies with the Secretary of the Treasury, with the collector, or elsewhere, in no way interferes or conflicts with the fact that they have been brought within the provisions of the civil-service law and rules, and hence must be appointed in conformity thereto by the officer, whoever he may be, in whom has been vested the power of their appointment or employment; (3) that it matters not, so far as concerns the validity of the classification of deputies of internal revenue, whether the term of a deputy of internal revenue ceases upon the appointment of a successor to the collector who appointed him, and whether the bond of a deputy collector ceases to be of effect after the

collector who appointed him has vacated his office; for in either case there is no conflict with the provisions of the civil-service law and rules prescribing the method in which the power of appointment or employment shall be exercised in filling a vacancy in the position of deputy of internal revenue; and (4) that whether or not there is authority of law for the President's action in directing the classification of deputies of internal revenue and for the Department's action in classifying them, nevertheless the President has interpreted the acts of Congress and the Constitution as giving him this authority, and has so acted, and the Department has carried out his direction; and therefore the positions of deputy collectors of internal revenue can not be legally treated otherwise than as in the classified service, and appointments thereto can not be legally made without compliance with the provisions of the civil-service law and rules, unless the President's interpretation of the law be reversed by competent authority, or unless the President's action be revoked by the President or annulled by further act of Congress. In accordance with this position taken by the Commission, it has continuously endeavored to induce the Treasury Department not to allow the appointment of deputies of internal revenue except in accordance with the civil-service law and rules, unless these positions be removed from the operation of those provisions by act of Congress or of the President. While most of the collectors, in the case of one or more appointments, have taken advantage of the holding of the Internal Revenue Bureau, it is but just to state that a few collectors have not done so, but have carefully observed the provisions of the civil-service law and rules in regard to appointments. Attention is invited to page 290, *et seq.*, of the appendix for a more detailed statement of the Commission's views on this question.

#### **Report of the Senate Committee on Civil Service and Retrenchment.**

On March 9, 1898, the Senate Committee on Civil Service and Retrenchment, which was directed by the Senate to examine into the operation of the law creating the Civil Service Commission and to report whether the law should be continued, amended, or repealed, submitted its reports, after a thorough inquiry extending from April, 1897, to February, 1898. Three separate reports were submitted, one signed by three members, another by three members, and the third by the other two members of the committee. The report signed by two members is a statement in effect that in view of the agreement of the other members of the committee that the Executive has the power to make such modifications as may be found advisable, and that therefore no legislation is needed, it is deemed injudicious to make any recommendations. The other two reports agree that no legislation is needed, and that the President should make some exclusions from the classified service. These two reports, however, vary somewhat in their recommendations as to what these exclusions should be. They unite in the opinion that

deputy collectors, deputy marshals, and private secretaries, when authorized by law, should be excluded. One report recommends the exclusion also of certain positions of a fiduciary and executive nature and certain minor positions. Both of these reports recommend such modification of the rules that a local officer in charge of an office in which a vacancy exists may designate the person to be selected from the Commission's certification for filling such vacancy, subject to the approval of the head of the department having jurisdiction of such office. This matter is one entirely in the control of the departments, and the Commission stands ready to cooperate in carrying out this recommendation of the Senate Committee in any parts of the service where the departments so desire. One of the reports signed by three members recommends the extension of the classified service to the Library of Congress and the offices of the government of the District of Columbia.

In none of the reports is there any unfavorable criticism of the Commission or its administration under the law and rules; and in one report the Commission is commended for the faithful and honest manner in which its work has been performed.

### Investigations.

One of the important duties required of the Commission under the civil-service act is to make investigations concerning the facts, and to report upon all matters touching the enforcement and effects of the civil-service rules and regulations. This duty includes not only investigation of charges of alleged violations, but also constant and rigorous inspection of the administration of the law by executive officers and of the work of the local boards authorized by law. The fund available for this work is insufficient, and therefore in many matters which should have personal investigation the Commission is compelled to act by means of correspondence only. This condition is necessarily unsatisfactory.

During the period covered by this report about forty personal investigations have been made and a somewhat larger number conducted by correspondence. Among the causes for investigation during the year were charges of removal for political reasons, of removal without compliance with the amendment of July 27, 1897, to Rule II, of soliciting and receiving contributions for political purposes, of frauds in examinations, etc. In some cases the charges made were found to be unsupported by the facts; in others, evidence of violation of the civil-service act or rules was shown, and all such cases were brought to the attention of the departments concerned and efforts were made to have the irregularities corrected. In still other cases the Commission is engaged in an effort to arrive at the facts. Synopses of these investigations appear in the appendix.

The Commission is pleased to report a decrease in the number of



complaints of the solicitation and receiving of political contributions. Such complaints as have been made have been almost entirely of evasions rather than of open violations of the law. Since the penal provisions of the civil-service law upon this subject have become generally known to appointing officers and their subordinates—and it has been observed that the courts have sustained prosecutions for the violation of such provisions—this practice, once general, has almost entirely ceased. At the beginning of the political campaign in the fall of 1898 the Commission followed its practice of calling public attention to the provisions of the civil service law in the matter of political contributions, stating that it would employ all proper means to secure the prosecution and punishment of any who violated such provisions. Copies of notices upon this subject issued by the Treasury Department and the Post Office Department will be found in the appendix.

### Preference Claimants.

The Commission desires to correct a very general misunderstanding in regard to those entitled to preference in appointment. There seems to be a prevailing impression that any person who has an honorable discharge from the naval or military service of the United States is entitled to preference in appointment. The preference referred to is granted by section 1754 of the Revised Statutes, which provides that—

Persons honorably discharged from the military or naval service by reason of disability resulting from wounds or sickness incurred in the line of duty shall be preferred for appointment to civil offices, provided they are found to possess the business capacity necessary for the proper discharge of the duties of such offices.

In accordance with this section the President has prescribed, by section 2 of Rule VII—

That the names of all competitors whose claims of preference under the provisions of section 1754 of the Revised Statutes have been allowed by the Commission, and who attain an average of 65 or over, shall be placed, in the order of their average percentages, at the head of the proper register of eligibles.

Another prevalent error in regard to such preference claimants is that they must be veterans of the civil war. It will be noted that the law and rule do not confine preference claimants to such veterans, but include all who have at any time been discharged from the military or naval service by reason of disability incurred in the line of duty. Of the 109 preference claimants examined during the year 81 were successful, and of that number only 45, a little more than one-half, performed their military or naval service during the civil war. The average age of those who passed was 48.2 years, the youngest being 19 years of age and 16 of them less than 35. It will therefore be seen that the impression is not correct that preference claimants must necessarily be old men who are broken down in health and incapacitated by reason of age or other physical disability.

**An Increase of Force Needed.**

At the time of the organization of the Commission its requirements could not be definitely ascertained, as the extent of its work could not then be determined. It was not practicable, therefore, to grant specific appropriations for its force of employes or for suitable accommodations and supplies. As the work of the Commission has developed, Congress has from time to time increased the number of its employees. However, it is still necessary to secure details of employees from the several departments in order to transact the work of the Commission with any degree of promptitude. Since the last increase in the force of the Commission the number of positions in the classified service has been doubled, while the increase in the Commission's work has been even greater because of the more difficult character of the requirements for many of the positions classified since that time. Those positions of a professional or technical nature, so radically different in scope and character from those previously classified, exact, on account of the peculiar nature of their duties, much time and consideration for the preparation of appropriate tests of fitness. The Commission has found it exceedingly difficult to secure from the departments the details of persons possessing the needed qualifications for this work, and it has therefore asked for an increase in its regular force to take the place of those now detailed from other offices. It has no doubt that if this request were granted its work would be done in a much more satisfactory manner and with a materially smaller number of assistants than its present force of regular and detailed employees.

**More Suitable Office Accommodations Needed.**

In 1893, when the court of appeals for the District of Columbia was created, the Commission was compelled to vacate its quarters in the city hall and remove to its present location, an appropriation of \$4,000 being granted for rent of building. Although efforts have been made since then to secure more suitable accommodations, it has been found that the present appropriation is entirely inadequate for the purpose. The Commission earnestly urges that an increased appropriation be granted to enable it to obtain more suitable accommodations for the force, which has been considerably increased since the present appropriation was granted. It is especially desirable that the Commission should be located in a modern, fireproof building, in order that its records may be more accessible and more securely protected, and also to obtain better lighting and heating facilities than are to be had in the present building, which was the best that could be secured for the amount of money available. The Treasury Department, in 1895, recognizing the needs of the Commission, assigned it a floor in the new post-office building, but Congress, in 1898, directed the removal of the Post-Office Department to that building, and the Commission was again disappointed in its effort to secure better accommodations.

**Need of a Reference Library.**

The civil-service act made it the duty of the Secretary of the Interior to cause the necessary stationery and other articles to be supplied and the necessary printing to be done for the Commission, but section 3 of the act of March 15, 1898, provides:

That hereafter law books, books of reference, and periodicals for the use of any Executive Department or other Government establishment not under any Executive Department at the seat of Government shall not be purchased or paid for from any appropriation made for contingent expenses, or for any specific or general purpose, unless such purchase is authorized and payment therefor specifically provided in the law granting the appropriation.

Under a decision of the Comptroller of the Treasury, dated November 18, 1898, no funds are available for the purchase of books of any kind for the Commission unless the amount be specifically appropriated for that purpose by Congress.

The business of the Commission requires that a supply of professional, scientific, and other books of reference should be available for the use of its examiners in the work of preparing and rating examinations. With the exception of a few books secured through the Interior Department, the examiners have had to depend in the past upon the libraries of the several Executive Departments and the Library of Congress, or have been obliged to purchase books with their private means for official use.

In this connection attention is invited to the following statement from the recent report of the chief examiner:

It does not seem fair, either to the competitors or to the examiners who are obliged to perform this important part of the Commission's work, that they should be compelled to do it without being supplied with books of reference which can be at hand for immediate consultation as the different questions arise. The amount of time wasted in search of these works has already cost the Government many times more than would fully equip the Commission with everything that is needed for this purpose. Because its importance has been so often and so emphatically impressed upon my attention, I most earnestly recommend that the Commission should endeavor to secure an appropriation of not less than \$1,000, to be immediately available, as a beginning for this very important adjunct to its equipment.

The Commission fully approves the statement of the chief examiner in regard to the urgent need for books of reference, and hopes that its request for an appropriation for this purpose may receive favorable consideration.

The Commission therefore recommends that the increase in its regular force be granted in accordance with its estimates; that an increase in the appropriation for rent of building be granted, so that it may secure more suitable quarters for the transaction of its business, and that an appropriation may be made for the purchase of the necessary books of reference. When the Commission is thus provided for its work will be performed with a degree of efficiency, rapidity, and economy that is impossible under the present conditions.

**Extensions of the Classified Service.**

The Commission is still of opinion that if the Library of Congress and the offices under the government of the District of Columbia were included within the provisions of the civil-service rules, efficiency and economy in these parts of the service would thereby be materially increased; and it is therefore recommended that the President direct their classification for this purpose, provided it is determined that he has authority under the law to take such action, as vacancies in these positions could be readily filled with little, if any, addition to the present work of the Commission.

The Commission has always believed it practicable and desirable that the larger part, at least, of the force employed in taking the Twelfth Census should be appointed in accordance with the provisions of the civil service law. Congress will doubtless determine the matter in connection with the law providing for the census. The attitude of the Commission on the question is set forth in a communication addressed to a member of the Senate Committee on the Census, a copy of which appears in the appendix.

**The Civil Service in our Recently Acquired Territory.**

When this country accepted the sovereignty over Porto Rico and the Philippines, which Spain had relinquished, and also pledged itself to establish a stable government in Cuba, it assumed a tremendous responsibility. It will not be a satisfactory discharge of our duties to give simply a better government to these islands than the government which we replaced, but we must give a government equal to the best. Our rule will not be contrasted simply with the misrule of Spain, but will be contrasted with the admirable governments accorded by England and Holland to their colonial possessions. The Commission thinks it proper to publish in the appendix to this report an authentic account of the colonial governments of the British Empire and Holland, including an explanation of the five forms of British colonial government, which are: First, government by chartered companies, such as North Borneo, South Africa, and the Niger protectorate; second, protectorates like the admirable system administered by Sir Andrew Clarke in the Straits Settlements; third, what are known as "Crown colonies" (about thirty), with a governor appointed from the colonial office, whose power is supreme, some of these having administrative councils; fourth, representative colonies, where the home government has the right of veto upon legislative enactment; fifth, self-governing colonies, like Canada, New Zealand, and Australia, with absolute freedom from control by the home government, with the exception of subjects relating to foreign affairs. We will learn the following valuable lessons from a study of these governments:

First, that they are not disturbed by political changes in the home government, the tenure being determined by good and efficient service only.

Second, that the men sent to govern colonies are selected because of special fitness, and are promoted, generally from the smaller colonies to the larger, after demonstrating ability to deal with difficult problems.

Third, that the officers charged with the collection of revenue, both internal and customs duties, are promoted to those places after faithful and efficient service in minor grades, and are never appointed as a reward for political services at home; that the clerkships in the customs and other services are filled by open competitive examinations; that the pay is commensurate with the duties performed, and that persons in the colonial service are prohibited from engaging in business enterprises in the colonies.

It will be seen that Spain has lost her colonies through an application of the patronage system of government; and by contrasting her misgovernment with the excellent Government of Holland and Great Britain we will see that one is expensive and forces the home government to maintain large armies to keep in subjection the natives, while in the other the government is economically administered, the people are contented, and only a small military force is necessary. For instance, Spain, with two hundred thousand men, was not enabled to keep in subjection the island of Cuba, with a population of a million and a half, while England in Jamaica has quieted, by good government, a more turbulent population, and only keeps, in the important garrisons of that island, less than four hundred British soldiers. In the island of Ceylon, with twice the population of Cuba, the entire British force is less than fifteen hundred men; while Sir Andrew Clarke, by his wise government in the Straits Settlements of the Malay peninsula has been able to bring order out of chaos and misrule, to put an end to tribal warfare, and bring prosperity to the people without the aid of any British soldiers. These examples show in sharp contrast the application of sound, honest business principles on the one side and the application of the patronage system of government on the other. If the positions in our recently acquired territory are given as a reward for political service at home, we may expect discontent, misrule, and expensive administration. If, on the contrary, men are selected because of their ability as administrators and the service is put upon a basis of ascertained fitness for the duties to be performed, and tenure and promotion are made dependent upon efficiency and honest service, then we may expect our administration to be a boon to these islands, and we will have cause to be proud of our share in supplanting the misrule of Spain with a government in accord with the aspirations of modern civilization. The Commission desires to express the opinion that provision should be made, and the necessary steps taken, whereby as soon as practicable the civil positions in these islands may be filled in accordance with the principles of a merit system.

**Officers and Employees under the Direction of the Commission.**

This opportunity is taken to publicly commend the zeal and faithfulness of the officers and employees under the direction of the Commission in the performance of their duties during the past year. The great volume of work transacted by this office during the past fiscal year could not possibly have been accomplished during the regular office hours. Many of the force have voluntarily performed a large amount of work outside of office hours, while others have responded cheerfully and zealously to requests of the Commission for extra work, laying aside their own personal plans in order to meet these requests.

The faithful services performed by members of local boards throughout the country also deserve special mention. These boards have been called upon during the year to conduct a large number of special examinations which the needs of the service required. Moreover, the conditions under which the examinations are held outside of Washington are often decidedly unfavorable. These conditions have been met with cheerfulness and with the desire on the part of the board members to perform the full quota of service assigned to them by the Commission, even to the extent of the sacrifice of personal plans and interests.

The Commission is also glad to acknowledge the most satisfactory assistance given in the preparation and rating of the more highly technical and scientific examinations by experts in the service, who have been specially assigned for this work by the departments.

We have the honor to be, your obedient servants,

JOHN R. PROCTER,

JOHN B. HARLOW,

M. S. BREWER,

*Commissioners.*

The PRESIDENT.





# CIVIL-SERVICE ACT AND RULES.

## CIVIL-SERVICE ACT.

AN ACT to regulate and improve the civil service of the United States.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the President is authorized to appoint, by and with the advice and consent of the Senate, **Appointment of Commissioners.** three persons, not more than two of whom shall be adherents of the same party, as Civil Service Commissioners, and said three Commissioners shall constitute the United States Civil Service Commission. Said Commissioners shall hold no other official place under the United States.

The President may remove any Commissioner; and any vacancy in the position of Commissioner shall be so filled by the President, by and with the advice and consent of the Senate, as to conform to said conditions for the first selection of Commissioners. **Removal of Commissioners.**

The Commissioners shall each receive a salary of three thousand five hundred dollars a year. And each of said Commissioners shall be paid his necessary traveling expenses incurred in the discharge of his duty as a Commissioner. **Salaries and travelling expenses.**

SEC. 2. That it shall be the duty of said Commissioners:

*First.* To aid the President, as he may request, in preparing suitable rules for carrying this act into effect, and when said rules shall have been promulgated it shall be the duty of all officers of the United States in the departments and offices to which any such rules may relate to aid, in all proper ways, in carrying said rules, and any modifications thereof, into effect. **Duties of Commissioners. Rules.**

*Second.* And, among other things, said rules shall provide and declare, as nearly as the conditions of good administration will warrant, as follows:

First, for open competitive examinations for testing the fitness of applicants for the public service now classified or to be classified hereunder. Such examinations shall be practical in their character, and as far as may be shall relate to those matters which will fairly test the relative capacity and fitness of the persons examined to discharge the duties of the service into which they seek to be appointed. **Competitive examinations.**

Second, that all the offices, places, and employments so arranged or to be arranged in classes shall be filled by selections according to grade from among those graded highest as the results of such competitive examinations. **Vacancies, how filled.**

Third, appointments to the public service aforesaid in the departments at Washington shall be apportioned among the several States and Territories and the District of Columbia upon the basis of population as ascertained at the last preceding census. Every application for an examination shall contain, among other things, a statement, under oath, setting forth his or her actual bona fide residence at the time of making the application, as well as how long he or she has been a resident of such place. **Apportionment. Applications for examination.**

Fourth, that there shall be a period of probation before any absolute appointment or employment aforesaid. **Probation.**



Political contributions and service.

Fifth, that no person in the public service is for that reason under any obligation to contribute to any political fund, or to render any political service, and that he will not be removed or otherwise prejudiced for refusing to do so.

Coercion.

Sixth, that no person in said service has any right to use his official authority or influence to coerce the political action of any person or body.

Noncompetitive examinations.

Seventh, there shall be noncompetitive examinations in all proper cases before the Commission, when competent persons do not compete, after notice has been given of the existence of the vacancy, under such rules as may be prescribed by the Commissioners as to the manner of giving notice.

Notice of changes in service.

Eighth, that notice shall be given in writing by the appointing power to said Commission of the persons selected for appointment or employment from among those who have been examined, of the place of residence of such persons, of the rejection of any such persons after probation, of transfers, resignations, and removals, and of the date thereof, and a record of the same shall be kept by said Commission.

Exceptions to rules.

And any necessary exceptions from said eight fundamental provisions of the rules shall be set forth in connection with such rules, and the reasons therefor shall be stated in the annual reports of the Commission.

Regulations for examinations.

*Third.* Said Commission shall, subject to the rules that may be made by the President, make regulations for, and have control of, such examinations, and, through its members or the examiners, it shall supervise and preserve the records of the same; and said Commission shall keep minutes of its own proceedings.

Minutes of proceedings.

Investigations.

*Fourth.* Said Commission may make investigations concerning the facts, and may report upon all matters touching the enforcement and effects of said rules and regulations, and concerning the action of any examiner or board of examiners hereinafter provided for, and its own subordinates, and those in the public service, in respect to the execution of this act.

Annual report.

*Fifth.* Said Commission shall make an annual report to the President for transmission to Congress, showing its own action, the rules and regulations and the exceptions thereto in force, the practical effects thereof, and any suggestions it may approve for the more effectual accomplishment of the purposes of this act.

Chief examiner.

SEC. 3. That said Commission is authorized to employ a chief examiner, a part of whose duty it shall be, under its direction, to act with the examining boards, so far as practicable, whether at Washington or elsewhere, and to secure accuracy, uniformity, and justice in all their proceedings, which shall be at all times open to him. The chief examiner shall be entitled to receive a salary at the rate of three thousand dollars a year, and he shall be paid his necessary traveling expenses incurred in the discharge of his duty. The Commission shall have a secretary, to be appointed by the President, who shall receive a salary of one thousand six hundred dollars per annum. It

Secretary.

Stenographer and messenger.

may, when necessary, employ a stenographer and a messenger, who shall be paid, when employed, the former at the rate of one thousand six hundred dollars a year, and the latter at the rate of six hundred dollars a year. The Commission shall, at Washington, and in one or more places in each State and Territory where examinations are to take place, designate and select a suitable number of persons, not less than three, in the official service of the United States, residing

in said State or Territory, after consulting the head of the department or office in which such persons serve, to be members of boards of examiners, and may at any time substitute any other person in said service living in such State or Territory in the place of anyone so selected. Such boards of examiners shall be so located as to make it reasonably convenient and inexpensive for applicants to attend before them; and where there are persons to be examined in any State or Territory, examinations shall be held therein at least twice in each year. It shall be the duty of the collector, postmaster, and other officers of the United States, at any place outside of the District of Columbia where examinations are directed by the President or by said board to be held, to allow the reasonable use of the public buildings for holding such examinations, and in all proper ways to facilitate the same.

Boards of examiners.

Duties of public officers.

SEC. 4. That it shall be the duty of the Secretary of the Interior to cause suitable and convenient rooms and accommodations to be assigned or provided, and to be furnished, heated, and lighted, at the city of Washington, for carrying on the work of said Commission and said examinations, and to cause the necessary stationery and other articles to be supplied and the necessary printing to be done for said Commission.

Accommodations, etc., for Commission.

SEC. 5. That any said Commissioner, examiner, copyist, or messenger, or any person in the public service, who shall willfully and corruptly, by himself or in cooperation with one or more other persons, defeat, deceive, or obstruct any person in respect of his or her right of examination according to any such rules or regulations, or who shall willfully, corruptly, and falsely mark, grade, estimate, or report upon the examination or proper standing of any person examined hereunder, or aid in so doing, or who shall willfully and corruptly make any false representations concerning the same or concerning the person examined, or who shall willfully and corruptly furnish to any person any special or secret information for the purpose of either improving or injuring the prospects or chances of any person so examined, or to be examined, being appointed, employed, or promoted, shall for each such offense be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than one hundred dollars, nor more than one thousand dollars, or by imprisonment not less than ten days, nor more than one year, or by both such fine and imprisonment.

Frauds.

SEC. 6. That within sixty days after the passage of this act it shall be the duty of the Secretary of the Treasury, in as near conformity as may be to the classification of certain clerks now existing under the one hundred and sixty-third section of the Revised Statutes, to arrange in classes the several clerks and persons employed by the collector, naval officer, surveyor, and appraisers, or either of them, or being in the public service, at their respective offices in each customs district where the whole number of said clerks and persons shall be altogether as many as fifty. And thereafter, from time to time, on the direction of the President, said Secretary shall make the like classification or arrangement of clerks and persons so employed in connection with any said office or offices, in any other customs district. And, upon like request, and for the purposes of this act, said Secretary shall arrange in one or more of said classes, or of existing classes, any other clerks, agents, or persons employed under his department in any said district not now classified; and every such arrangement and classification upon being made *shall be reported to the President.*

Customs classification.

**Post-office  
classification.**

*Second.* Within said sixty days it shall be the duty of the Postmaster-General, in general conformity to said one hundred and sixty-third section, to separately arrange in classes the several clerks and persons employed, or in the public service, at each post-office, or under any postmaster of the United States, where the whole number of said clerks and persons shall together amount to as many as fifty. And thereafter, from time to time, on the direction of the President, it shall be the duty of the Postmaster-General to arrange in like classes the clerks and persons so employed in the postal service in connection with any other post-office; and every such arrangement and classification upon being made shall be reported to the President.

*Third.* That from time to time said Secretary, the Postmaster-General, and each of the heads of departments mentioned in the one hundred and fifty-eighth section of the Revised Statutes, and each head of an office, shall, on the direction of the President, and for facilitating the execution of this act, respectively revise any then existing classification or arrangement of those in their respective departments and offices, and shall, for the purposes of the examination herein provided for, include in one or more of such classes, so far as practicable, subordinate places, clerks, and officers in the public service pertaining to their respective departments not before classified for examination.

**Examination  
required for ap-  
pointment and  
promotion.**

**SEC. 7.** That after the expiration of six months from the passage of this act no officer or clerk shall be appointed, and no person shall be employed to enter or be promoted in either of the said classes now existing, or that may be arranged hereunder pursuant to said rules, until he has passed an examination, or is shown to be specially exempted from such examination in conformity herewith. But nothing herein contained shall be construed to take from those honorably

**Preference  
claimants, sec.  
1754, R. S.**

discharged from the military or naval service any preference conferred by the seventeen hundred and fifty-fourth section of the Revised Statutes, nor to take from the President any authority not inconsistent with this act conferred by the seventeen hundred and fifty-third section of said statutes; nor shall any officer not in the executive branch of the Government, or any person merely employed as a laborer or workman, be required to be classified hereunder; nor, unless by direction of the Senate, shall any person who has been nominated for confirmation by the Senate be required to be classified or to pass an examination.

**Intoxicating  
beverages.**

**SEC. 8.** That no person habitually using intoxicating beverages to excess shall be appointed to, or retained in, any office, appointment, or employment to which the provisions of this act are applicable.

**Members of a  
family.**

**SEC. 9.** That whenever there are already two or more members of a family in the public service in the grades covered by this act no other member of such family shall be eligible to appointment to any of said grades.

**Recommendation  
by Members  
of Congress.**

**SEC. 10.** That no recommendation of any person who shall apply for office or place under the provisions of this act which may be given by any Senator or Member of the House of Representatives, except as to the character or residence of the applicant, shall be received or considered by any person concerned in making any examination or appointment under this act.

**Political as-  
sessments.**

**SEC. 11.** That no Senator, or Representative, or Territorial Delegate of the Congress, or Senator, Representative, or Delegate elect, or any officer or employee of either of said Houses, and no executive, judicial, military, or naval officer of the United States, and no clerk or employee of any department, branch or bureau of the executive, judi-

cial, or military or naval service of the United States, shall, directly or indirectly, solicit or receive, or be in any manner concerned in soliciting or receiving, any assessment, subscription, or contribution for any political purpose whatever, from any officer, clerk, or employee of the United States, or any department, branch, or bureau thereof, or from any person receiving any salary or compensation from moneys derived from the Treasury of the United States.

SEC. 12. That no person shall, in any room or building occupied in the discharge of official duties by any officer or employee of the United States mentioned in this act, or in any navy-yard, fort, or arsenal, solicit in any manner whatever, or receive any contribution of money or any other thing of value for any political purpose whatever.

SEC. 13. No officer or employee of the United States mentioned in this act shall discharge, or promote, or degrade, or in any manner change the official rank or compensation of any other officer or employee, or promise or threaten so to do, for giving or withholding or neglecting to make any contribution of money or other valuable thing for any political purpose. Change of rank or compensation.

SEC. 14. That no officer, clerk, or other person in the service of the United States shall, directly or indirectly, give or hand over to any other officer, clerk, or person in the service of the United States, or to any Senator or Member of the House of Representatives, or Territorial Delegate, any money or other valuable thing on account of or to be applied to the promotion of any political object whatever.

SEC. 15. That any person who shall be guilty of violating any provision of the four foregoing sections shall be deemed guilty of a misdemeanor, and shall, on conviction thereof, be punished by a fine not exceeding five thousand dollars, or by imprisonment for a term not exceeding three years, or by such fine and imprisonment both, in the discretion of the court. Penalty.

Approved, January 16, 1883.

## REVISED STATUTES AND STATUTES AT LARGE AFFECTING THE CLASSIFIED CIVIL SERVICE.

SEC. 1753, R. S. The President is authorized to prescribe such regulations for the admission of persons into the civil service of the United States as may best promote the efficiency thereof, and ascertain the fitness of each candidate in respect to age, health, character, knowledge, and ability for the branch of service into which he seeks to enter; and for this purpose he may employ suitable persons to conduct such inquiries, and may prescribe their duties, and establish regulations for the conduct of persons who may receive appointments in the civil service. President's authority to prescribe regulations concerning appointment.

SEC. 1754, R. S. Persons honorably discharged from the military or naval service by reason of disability resulting from wounds or sickness incurred in the line of duty, shall be preferred for appointments to civil offices, provided they are found to possess the business capacity necessary for the proper discharge of the duties of such offices. Veteran preference in appointment to public office.

SEC. 1755, R. S. In grateful recognition of the services, sacrifices, and sufferings of persons honorably discharged from the military and naval service of the country, by reason of wounds, disease, or the expiration of terms of enlistment, it is respectfully recommended to bankers, merchants, manufacturers, mechanics, farmers, and persons engaged in industrial pursuits to give them the preference for appointments to remunerative situations and employment. Veteran preference recommended in appointment to private occupations.

Preference in  
reduction of  
force.

\* \* \* *Provided*, That in making any reduction of force in any of the Executive Departments, the head of such department shall retain those persons who may be equally qualified who have been honorably discharged from the military or naval service of the United States, and the widows and orphans of deceased soldiers and sailors. (19 Stats., 169.)

Employment of  
labor in navy-  
yards.

SEC. 1544, R. S. Labor shall be employed in the several navy-yards by the proper officers in charge with reference to skill and efficiency, and without regard to other considerations.

Political con-  
tributions and  
discrimination.

SEC. 1546, R. S. No officer or employee of the Government shall require or request any workingman in any navy-yard to contribute or pay any money for political purposes, nor shall any workingman be removed or discharged for political opinion; and any officer or employee of the Government who shall offend against the provisions of this section shall be dismissed from the service of the United States.

Bribery.

SEC. 1781, R. S. Every Member of Congress or any officer or agent of the Government who, directly or indirectly, takes, receives, or agrees to receive, any money, property, or other valuable consideration whatever, from any person for procuring or aiding to procure, any contract, office, or place from the Government, or any Department thereof, or from any officer of the United States, for any person whatever, or for giving any such contract, office, or place to any person whomsoever, and every person who, directly or indirectly, offers or agrees to give, or gives, or bestows any money, property, or other valuable consideration whatever, for the procuring, or aiding to procure, any such contract, office or place; and every Member of Congress who, directly or indirectly, takes, receives, or agrees to receive any money, property, or other valuable consideration whatever after his election as such member, for his attention to, services, action, vote, or decision on any question, matter, cause, or proceeding which may be there pending, or may under the Constitution be brought before him in his official capacity, or in his place as such Member of Congress, shall be deemed guilty of a misdemeanor, and shall be imprisoned not more than two years and fined not more than ten thousand dollars. And any such contract or agreement may, at the option of the President, be declared absolutely null and void; and any Member of Congress or officer convicted of a violation of this section, shall, moreover be disqualified from holding any office of honor, profit, or trust under the Government of the United States.

Penalty.

Soliciting con-  
tributions or re-  
ceiving gifts.

SEC. 1784, R. S. No officer, clerk, or employee in the United States Government employ shall at any time solicit contribution from other officers, clerks, or employees in the Government service for a gift or present to those in a superior official position; nor shall any such officials or clerical superiors receive any gift or present offered or presented to them as a contribution from persons in Government employ receiving a less salary than themselves; nor shall any officer or clerk make any donation as a gift or present to any official superior. Every person who violates this section shall be summarily discharged from the Government employ.

Legal resi-  
dence—certifi-  
cate of proper  
officer.

\* \* \* That hereafter every application for examination before the Civil Service Commission for appointment in the departmental service in the District of Columbia, shall be accompanied by a certificate of an officer, with his official seal attached, of the county and State of which the applicant claims to be a citizen, that such *applicant was*, at the time of making such application, an actual and



bona fide resident of said county, and had been such resident for a period of not less than six months next preceding;

But this provision shall not apply to persons who may be in the service and seek promotion or appointment in other branches of the Government. \* \* \* (Sup. R. S., vol. 1, 2d ed., p. 772, par. 1.)

That no civil officer, clerk, draughtsman, copyist, messenger, assistant messenger, mechanic, watchman, laborer, or other employee shall \* \* \* be employed in any of the Executive Departments or subordinate bureaus or offices thereof at the seat of Government, except only at such rates and in such numbers, respectively, as may be specifically appropriated for by Congress for such clerical and other personal services for each fiscal year; and no civil officer, clerk, draughtsman, copyist, messenger, assistant messenger, mechanic, watchman, laborer, or other employee shall hereafter be employed at the seat of Government in any Executive Department or subordinate bureau or office thereof or be paid from any appropriation made for contingent expenses, or for any specific or general purpose, unless such employment is authorized and payment therefor specifically provided in the law granting the appropriation, and then only for services actually rendered in connection with and for the purposes of the appropriation from which payment is made, and at the rate of compensation usual and proper for such services; \* \* \* all details of civil officers, clerks, or other subordinate employees from places outside of the District of Columbia for duty within the District of Columbia, except temporary details for duty connected with their respective offices, be, and are hereby, prohibited; and thereafter all moneys accruing from lapsed salaries, or from unused appropriations for salaries, shall be covered into the Treasury. (Sup. R. S., vol. 1, 2d ed., p. 374, sec. 4.)

No employment permitted except upon specific appropriation.

Details from outside for duty within District of Columbia.

Lapsed salaries.

It shall be the duty of the heads of the several Executive Departments of the Government to report to Congress each year in the annual estimates the number of employees in each bureau and office and the salaries of each who are below a fair standard of efficiency. (Sup. R. S., vol. 1, 2d ed., p. 773, sec. 2.)

Annual reports to Congress.

\* \* \* Hereafter no Department or officer of the United States shall accept voluntary service for the Government or employ personal service in excess of that authorized by law except in cases of sudden emergency involving the loss of human life or the destruction of property. (Act of May 1, 1884, vol. 23, Stat. L., p. 17.)

Prohibition of voluntary service except in emergencies.

That section five of the act making appropriations for legislative, executive, and judicial expenses, approved March third, eighteen hundred and ninety-three, is hereby amended to read as follows:

"Hereafter it shall be the duty of the heads of the several Executive departments, in the interest of the public service, to require of all clerks and other employees, of whatever grade or class, in their respective Departments, not less than seven hours of labor each day, except Sundays and days declared public holidays by law or Executive order: *Provided*, That the heads of the Departments may, by special order, stating the reason, further extend the hours of any clerk or employee in their Departments, respectively; but in case of an extension it shall be without additional compensation: *Provided further*, That the head of any Department may grant thirty days' annual leave with pay in any one year to each clerk or employee: *And provided further*, That where some member of the immediate family of a clerk or employee is afflicted with a contagious disease and requires the care and attendance of such employee, or where his or her presence in the Department would jeopardize the health of fellow-clerks,

Hours of labor in the Executive Departments.

Leaves of absence.

and in exceptional and meritorious cases, where a clerk or employee is personally ill, and where to limit the annual leave to thirty days in any one calendar year would work peculiar hardship, it may be extended, in the discretion of the head of the Department, with pay, not exceeding thirty days in any one case or in any one calendar year.

“This section shall not be construed to mean that so long as a clerk or employee is borne upon the rolls of the Department in excess of the time herein provided for or granted that he or she shall be entitled to pay during the period of such excessive absence, but that the pay shall stop upon the expiration of the granted leave.” (Legislative, executive, and judicial appropriation act, approved March 15, 1898.)

\* \* \* *Provided*, That the thirty days' annual leave of absence with pay in any one year to clerks and employees in the several Executive Departments authorized by existing law shall be exclusive of Sundays and legal holidays. (Legislative, executive, and judicial appropriation act, approved February 24, 1899, sec. 4.)

Monthly reports to heads of Departments.

Hereafter it shall be the duty of the head of each Executive Department to require monthly reports to be made to him as to the condition of the public business in the several bureaus or offices of his Department at Washington; and in each case where such reports disclose that the public business is in arrears, the head of the Department in which arrears exist shall require, as provided herein, an extension of the hours of service to such clerks or employees as may be necessary to bring up such arrears of public business.

Quarterly reports to the President.

Hereafter it shall be the duty of the head of each Executive Department, or other Government establishment at the seat of government, not under an Executive Department, to make at the expiration of each quarter of the fiscal year a written report to the President as to the condition of the public business in his Executive Department or Government establishment, and whether any branch thereof is in arrears. (Legislative, executive, and judicial appropriation act, approved March 15, 1898.)

Holding of two offices forbidden where salary of either is \$2,500.

\* \* \* No person who holds an office the salary or annual compensation attached to which amounts to the sum of two thousand five hundred dollars shall be appointed to or hold any other office to which compensation is attached unless specially heretofore or hereafter specially authorized thereto by law; but this shall not apply to retired officers of the Army or Navy whenever they may be elected to public office or whenever the President shall appoint them to office by and with the advice and consent of the Senate. (Vol. 28, Stat. L., p. 205, sec. 2.) [Sec, at pp. 126-128, Fourteenth Report, executive order forbidding holding of State or municipal offices by persons holding Federal civil offices.]

## CIVIL-SERVICE RULES, AMENDED TO JULY 1, 1899.

[Amendments of May 29, 1899, are indicated by italics. See, also, explanation of amendments at p. 68, *post*.]

Promulgating order.

In the exercise of power vested in him by the Constitution, and of authority given to him by the seventeen hundred and fifty-third section of the Revised Statutes, and by an act to regulate and improve the civil service of the United States, approved January 16, 1883, the President hereby makes and promulgates the following rules, and revokes all others.

### RULE I.

Commission to prescribe regulations.

1. The United States Civil Service Commission shall have authority to prescribe regulations in pursuance of, and for the execution of, the provisions of these rules and of the civil-service act.

2. The several terms hereinafter mentioned, wherever used in these rules or the regulations of the Commission, shall be construed as follows: Definitions of terms.

(a) The term "civil-service act" refers to "An act to regulate and improve the civil service of the United States," approved January 16, 1883.

(b) The term "classified service" refers to all that part of the executive civil service of the United States included within the provisions of the civil-service act and these rules.

(c) The term "grade," in connection with employees or positions, refers to a group of employees or positions in the classified service arranged upon the basis of duties performed without regard to salaries received.

(d) The term "class," in connection with employees or positions, refers to a group of employees or positions in any grade arranged upon the basis of salaries received, in pursuance of the provisions of section 3 of the Revised Statutes and of section 6 of the civil-service act.

(e) The term "excepted position" refers to any position within the provisions of the civil-service act, but excepted from the requirement of competitive examination or registration for appointment thereto.

## RULE II.

1. Any person in the executive civil service of the United States who shall willfully violate any of the provisions of the civil-service act or of these rules shall be dismissed from office. Dismissal for violation of act or rules.

2. No person in the executive civil service shall use his official authority or official influence for the purpose of interfering with an election or controlling the result thereof. No interference with elections.

3. No person in the executive civil service shall dismiss, or cause to be dismissed, or make any attempt to procure the dismissal of, or in any manner change the official rank or compensation of any other person therein because of his political or religious opinions or affiliations. No dismissal or change of rank for political or religious opinions.

4. No question in any examination, or form of application, shall be framed as to elicit information concerning, nor shall any inquiry be made concerning, nor any other attempt be made to ascertain, the political or religious opinions or affiliations of any applicant, competitor, or eligible; and all disclosures thereof shall be discounted. And no discrimination shall be exercised, threatened, or promised, against or in favor of, any applicant, competitor, or eligible, because of his political or religious opinions or affiliations. No disclosures of political or religious opinions of applicants, etc.

5. No recommendation of an applicant, competitor, or eligible, involving any disclosure of his political or religious opinions or affiliations shall be received, filed, or considered, by the Commission, by any board of examiners, or by any nominating or appointing officer. Recommendations that can not be received, filed, or considered.

6. In making removals or reductions, or in imposing punishment, or delinquency or misconduct, penalties like in character shall be imposed for like offenses, and action thereupon shall be taken irrespective of the political or religious opinions or affiliations of the offenders. Penalties like in character.

7. A person holding a position on the date said position is classified under the civil-service act shall be entitled to all the rights and benefits possessed by persons of the same class or grade appointed upon examination under the provisions of said act. Status of employees after classification.

8. No removal shall be made from the competitive classified service except for just cause and for reasons given in writing; and the person sought to be removed shall have notice and be furnished a copy of such reasons, and be allowed a reasonable time for personally answering the same in writing. Procedure in removals. Amended May 29, 1899.



*Copy of such reasons, notice, and answer, and of the order of removal, shall be made a part of the records of the proper department or office; and the reasons for any change in rank or compensation within the competitive classified service shall also be made a part of the records of the proper department or office.*

### RULE III.

**Different branches of classified service.**

1. All that part of the executive civil service of the United States which has been, or may hereafter be, classified under the civil-service act shall be arranged in branches as follows: The departmental service, the custom-house service, the post-office service, the Government printing service, and the internal-revenue service.

**Extent of departmental service.**

2. The departmental service shall include officers and employees as follows, except those in the service of the Government Printing Office and in the service of the several custom-houses, post-offices, and internal-revenue districts:

(a) All officers and employees of whatever designation, except persons merely employed as laborers or workmen and persons whose appointments are subject to confirmation by the Senate, however or for whatever purpose employed, whether compensated by a fixed salary or otherwise, who are serving in, or on detail from—

The several Executive Departments, the commissions, and offices in the District of Columbia.

The Railway Mail Service.

The Indian Service.

The several pension agencies.

The Steamboat-Inspection Service.

The Marine-Hospital Service.

The Light-House Service.

The Life-Saving Service.

The several mints and assay offices.

The Revenue-Cutter Service.

The force employed under custodians of public buildings.

The several subtreasuries.

The Engineer Department at large.

The Ordnance Department at large.

(b) All executive officers and employees outside of the District of Columbia not covered in (a), of whatever designation, except persons merely employed as laborers or workmen and persons whose appointments are subject to confirmation by the Senate, whether compensated by a fixed salary or otherwise—

Who are serving in a clerical capacity, or whose duties are in whole or in part of a clerical nature.

Who are serving in the capacity of watchman or messenger.

Who are serving in the capacity of physician, hospital steward, nurse, or whose duties are of a medical nature.

Who are serving in the capacity of draftsman, civil engineer, steam engineer, electrical engineer, computer, or fireman.

Who are in the service of the Supervising Architect's Office in the capacity of superintendent of construction, superintendent of repair, or foreman.

Who are in the service of the Treasury Department in any capacity.

Who are employed in the Department of Justice under the annual appropriation for the investigation of official acts, records, and accounts of officers of the courts, and all officers and employees in the penitentiary service who are by law subject to classification.

3. The custom-house service shall include such officers and employees as have been, or may hereafter be, classified under the civil-service act who are serving in any customs district. Extent of custom-house service.

4. The post-office service shall include the officers and employees in any free-delivery post-office who have been, or may hereafter be, classified under the civil-service act. And whenever the free-delivery system shall be established in any post-office the Postmaster-General shall at once notify the Commission of such establishment, and the officers and employees of said office shall be included within the classified service from the date of such establishment; and whenever, by order of the Postmaster-General, any post-office shall be consolidated with and made a part of a free-delivery post-office, the Postmaster-General shall at once notify the Commission of such consolidation, and from the date of said order the employees of the office thus made a part of the free-delivery office whose names appear on the roster of the Post-Office Department shall be employees of said free-delivery office; and the person holding on the date of said order the position of postmaster at the office thus made a part of said free-delivery office may be made an employee in said free-delivery office, and may, at the time of classification, be assigned to any position therein and given any appropriate designation which the Postmaster-General may direct. Extent of post-office service.  
Consolidation of post-offices.

5. The Government printing service shall include the officers and employees in the Government Printing Office who have been, or may hereafter be, classified under the civil-service act. Extent of Government printing service.

6. The internal-revenue service shall include the officers and employees in any internal-revenue district who have been, or may hereafter be, classified under the civil-service act. Extent of internal-revenue service.

7. All officers and employees who have heretofore been classified under the civil-service act shall be considered as still classified, and subject to the provisions of these rules. Employees already classified covered by rules.

8. The following-mentioned positions or employees shall not be subject to *any* of the provisions of these rules, *except sections 1, 2, and 3 of Rule II*: Positions not subject to the rules in part.  
Amended May 29, 1899.

(a) Any position filled by a person whose place of private business is conveniently located for his performance of the duties of said position, or any position filled by a person remunerated in one sum both for services rendered therein and for necessary rent, fuel, and lights furnished for the performance of the duties thereof: *Provided*, That in either case the performance of the duties of said position requires only a portion of the time and attention of the occupant, paying him a compensation not exceeding, for his personal salary only, \$300 per annum, and permitting of his pursuing other regular business or occupation.

(b) Any person in the military or naval service of the United States who is detailed for the performance of civil duties.

(c) Any person employed in a foreign country under the State Department or *who is* temporarily employed in a confidential capacity in a foreign country *under any executive department or other office*.

(d) Any position *the duties of which* are of a quasi-military or quasi-naval character, and for the performance of *which* duties a person is enlisted for a term of years, or positions in the Revenue-Cutter Service *where the persons enlist for the season of navigation only*.

(e) *Any local physician employed temporarily as acting assistant surgeon in the Marine-Hospital Service.*

(f) *Any person employed in the Marine-Hospital Service as quarantine attendant at the Gulf, South Atlantic, Tortugas, Reedy Island, and Angel*

*Island quarantines; and any person temporarily employed as quarantine attendant on quarantine vessels, or in camps or stations established for quarantine purposes during epidemics of contagious diseases in the United States or beyond the seas.*

*(g) Any person in the Quartermaster's Department at large of the United States Army employed as train master, chief packer, foreman packer, pack master, master baler, foreman of laborers, superintendent of stables, or forage master. Appointments to these positions shall be made hereafter on registration tests of fitness prescribed in regulations to be issued by the Secretary of War and approved by the President.*

*(h) Any person in the Medical Department at large of the United States Army employed as chief packer, packer, or assistant packer. Appointments to these positions shall be made hereafter on registration tests of fitness prescribed in regulations to be issued by the Secretary of War and approved by the President.*

*(i) Any person in the Ordnance Department at large of the United States Army employed as foreman, assistant foreman, forage master, weigher, skilled laborer, guard, or on piecework. Appointments to these positions shall be made hereafter on registration tests of fitness prescribed in regulations to be issued by the Secretary of War and approved by the President.*

*(j) Any person in the Engineer Department at large of the United States Army employed as subinspector, overseer, suboverseer, superintendent, master lock manager, deputy lock manager, assistant superintendent of canal, chief deputy inspector, deputy inspector, rodman, stadiaman, chainman, foreman, timekeeper, lock master, assistant lock master, custodian, storekeeper, fort keeper, torpedo keeper, assistant torpedo keeper, light keeper, board master, subforeman, master laborer, gauge reader, steward, dam tender, assistant dam tender, helper, carpenter's helper, machinist's helper, quarry master, blacksmith's helper, climber, barge master, recorder of vessels, track man, gardener, assistant gardener, or weigher. Appointments to these positions shall be made hereafter on registration tests of fitness prescribed in regulations to be issued by the Secretary of War and approved by the President.*

*(k) Any person in the national military parks at Gettysburg, Skiloh, Chickamauga, Chattanooga, Vicksburg, and Antietam, employed as commissioner, assistant in historical work, agent for purchases of land, historian, secretary, rodman, chainman, assistant superintendent, chief guardian, guardian, guard, inspector, carpenter, steam engineer, or painter. Appointments to these positions shall be made hereafter on registration tests of fitness prescribed in regulations to be issued by the Secretary of War and approved by the President.*

*(l) Any person employed as office or field deputy in the office of a United States marshal.*

*(m) All persons at navy-yards, naval stations, and at private shipbuilding and manufacturing establishments where work is done by contract for the Navy Department, employed as special mechanics and civilian assistant inspectors of work and materials (including ordnance, armor, armor plate, marine engines, hulls, buildings, dredging, etc.). Appointments to these positions shall be made hereafter on tests of fitness prescribed in paragraphs 74 to 83, inclusive, of Navy-yard Order No. 23, revised. Pending the result of such examinations the Secretary of the Navy may appoint to the above positions qualified persons for a period not to exceed thirty days.*

*(n) All physicians employed as pension-examining surgeons, whether organized in boards or working individually under the direction of the Commissioner of Pensions. This paragraph shall not include medical examiners in the Pension Office.*

(e) Indians employed in the Indian service at large, except those employed as superintendents, teachers, teachers of industries, kindergartners, and physicians. Excepted prior to May 29, 1899.

(p) Temporary clerks employed in United States local land offices to reduce testimony to writing in contest cases, not paid from Government funds.

(q) Temporary clerks employed in the offices of surveyors-general, and paid from the funds deposited by individuals for surveying public lands.

#### RULE IV.

1. In pursuance of the provisions of section 2 of the civil-service act, there shall be provided, to test fitness for admission to positions which have been or may hereafter be classified under the civil-service act, examinations of a practical and suitable character, involving such subjects and tests as the Commission may direct. Examinations authorized.

2. No person shall be appointed to or be employed in any position which has been or may hereafter be classified under the civil-service act until he shall have passed the examination provided therefor, or unless he is specially exempt from examination by the provisions of said act or the rules made in pursuance thereof. Examinations required.

3. In pursuance of the provisions of section 2 of the civil-service act, wherever competent persons can be found who are willing to compete, no noncompetitive examination shall be given except as follows: When noncompetitive examinations may be held.  
Amended May 29, 1899.

(a) To test fitness for transfer, or for promotion in a part of the service to which promotion regulations have not been applied.

(b) To test fitness for appointment of Indians as superintendents, teachers, teachers of industries, kindergartners, and physicians in the Indian service at large.

The noncompetitive examinations of Indians for the positions mentioned shall consist of such tests of fitness, not disapproved by the Commission, as may be determined upon by the Secretary of the Interior. A statement of the result of every noncompetitive test, and all appointments, transfers, or promotions based thereon, shall be immediately forwarded to the Commission.

(c) To test the fitness of a person whom the head of an Executive Department or the Secretary of the Smithsonian Institution shall nominate for appointment to a position in the classified service. The appointing officer in making such nomination shall certify that, in his opinion, the position to be filled requires such peculiar qualifications in respect to knowledge and ability, or such scientific or special attainments wholly or in part professional or technical as are not ordinarily acquired in the executive service of the United States, and for the reasons set forth the best interests of the public service require that an examination should be waived in whole or in part. If the President of the United States shall approve such nomination, the Civil Service Commission shall thereupon grant a certificate of qualification, upon such evidence as may be satisfactory to it, that the person so nominated is eligible for and may be appointed to such position by reason of his ascertained qualifications, and by reason of his age, health, and moral character: Provided, That a person so nominated and appointed shall not be transferred to any other position in the classified service except to one that may be filled under the provisions of this clause, and shall not be assigned to any other duties than those pertaining to the particular position to which thus appointed. When examination may be waived.

**Dates and places of examinations.**

4. In pursuance of the provisions of section 3 of the civil-service act, examinations shall be provided at such places and upon such dates as the Commission shall deem most practicable to subserve the convenience of applicants and the needs of the service.

**Appointment and duties of boards of examiners.**

5. In pursuance of the provisions of section 3 of the civil-service act, the Commission shall appoint, from persons in the Government service, such boards of examiners as it may deem necessary. The members of said boards shall perform such duties as the Commission may direct in connection with examinations, appointments, and promotions in any part of the service which has been or may hereafter be classified. The members of any board of examiners in the performance of their duties as such shall be under the direct and sole control and authority of the Commission. The duties performed by the members of any board of examiners in their capacity as such shall be considered part of the duties of the office in which they are serving, and time shall be allowed for the performance of said duties during the office hours of said office. The members of any board of examiners shall not all be adherents of one political party when persons of other political parties are available and competent to serve upon said board.

**Executive officers to facilitate examinations.**

6. In pursuance of the provisions of section 3 of the civil-service act, all executive officers of the United States shall facilitate civil-service examinations; and postmasters, customs officers, internal-revenue officers, and custodians of public buildings at places where such examinations are to be held shall, for the purpose of such examinations, permit and arrange for the use of suitable rooms under their charge, and for heating, lighting, and furnishing the same.

**RULE V.****Qualifications of applicants.**

1. Every applicant for examination must be a citizen of the United States, must be of proper age, and must make an application under oath, upon a form prescribed by the Commission, and accompanied by such certificates as may be prescribed.

**Applications from enlisted men.**

2. No application for examination shall be accepted from any person serving in the Army, the Navy, or Marine Corps of the United States, unless the written consent of the head of the department under which said person is enlisted is filed with his application.

**Disqualifications of applicants and eligibles.**

3. The Commission may, in its discretion, refuse to examine an applicant or to certify an eligible who is physically so disabled as to be rendered unfit for the performance of the duties of the position to which he seeks appointment, or who has been guilty of a crime or of infamous or notoriously disgraceful conduct, or who has been dismissed from the service for delinquency or misconduct within one year next preceding the date of his application, or who has intentionally made a false statement in any material fact or practiced or attempted to practice any deception or fraud in securing his registration or appointment. Any of the foregoing disqualifications shall be good cause for the removal of an eligible from the service after his appointment.

**Age limitations for applicants.**

4. No application for examination shall be accepted unless the applicant is within the age limitations fixed herein for entrance to the position to which he seeks to be appointed: *Provided*, That subject to the other conditions of these rules the application of any person whose claim of preference under the provisions of section 1751 of the Revised Statutes has been allowed by the Commission may be accepted without regard to his age. The age limitations for entrance

**No age limitations for preference claimants.**

to positions in the different branches of the service shall be as follows:

	Mini- mum.	Maxi- mum.
<b>Departmental Service:</b>		
Page, messenger boy, apprentice, or student .....	14	20
Printer's assistant and messenger .....	18	No limit.
Positions in the Railway Mail Service .....	18	35
Internes and hospital stewards in the Marine-Hospital Service and acting second assistant engineer in the Revenue-Cutter Service .....	21	30
Cadet in the Revenue-Cutter Service and aid in the Coast and Geodetic Survey .....	18	25
Surfman in the Life-Saving Service .....	18	45
Superintendent, physician, supervisor, day-school inspector, and disciplinarian in the Indian Service; inspector and assistant inspector of hulls and inspector and assistant inspector of boilers in the Steamboat-Inspection Service .....	25	55
All other positions .....	20	No limit.
(The age limitation shall not apply in the case of the wife of the superintendent of an Indian school who applies for examination for the position of teacher or matron.)		
<b>Custom-House Service: All positions .....</b>	20	No limit.
<b>Post-Office Service:</b>		
Letter carrier .....	21	40
All other positions .....	18	No limit.
<b>Government Printing Service:</b>		
All positions (male) .....	21	No limit.
All positions (female) .....	18	No limit.
<b>Internal-Revenue Service: All positions .....</b>	21	No limit.

5. No application shall be accepted for examination for a position which belongs to one of the recognized mechanical trades unless it shall be shown that the applicant has served as apprentice or as journeyman or as apprentice and journeyman at said trade for such periods as the Commission may prescribe. Applications for trades positions.

#### RULE VI.

The following-named employees or positions which have been classified under the civil-service act shall be excepted from the requirements of examination or registration, unless as otherwise herein specifically stated. Exceptions from examination or registration.  
Amended May 29, 1899.

#### EXECUTIVE OFFICE.

1. Not exceeding two private secretaries or confidential clerks to the President.

#### ALL EXECUTIVE DEPARTMENTS.

2. Not exceeding two private secretaries or confidential clerks to the head of each of the eight Executive Departments.

3. Not exceeding one private secretary or confidential clerk to each of the assistant heads of the eight Executive Departments.

4. Not exceeding one private secretary or confidential clerk to each of the following heads of bureaus appointed by the President and confirmed by the Senate in the eight Executive Departments: The Commissioner of Internal Revenue, the Treasurer of the United States, the Comptroller of the Currency, the Comptroller of the Treasury, the Superintendent of the Coast and Geodetic Survey; in the War Department, the Major-General Commanding the Army, the Adjutant-General, the Inspector-General, the Judge-Advocate-General, the Quartermaster-General, the Commissary-General of Subsistence, the Surgeon-General, the Paymaster-General, the Chief of Engineers, the Chief of Ordnance, the Chief Signal Officer, the Chief of the Record



and Pension Office, and the Superintendent of Public Buildings and Grounds; and in the Department of the Interior, the Commissioner of the General Land Office, the Commissioner of Indian Affairs, the Commissioner of Patents, the Commissioner of Education, the Assistant Attorney-General for the Interior Department, the Director of the Geological Survey, and the Commissioner of Pensions.

5. Not exceeding one private secretary or confidential clerk to each of the heads of bureaus appointed by the President and confirmed by the Senate in the eight Executive Departments not enumerated in paragraph 4 of this rule, if authorized by law.

6. All persons appointed by the President without confirmation by the Senate.

7. Attorneys, assistant attorneys, and special assistant attorneys.

#### DEPARTMENTS OR OFFICES NOT IN EXECUTIVE DEPARTMENTS.

8. Not exceeding one private secretary or confidential clerk to the Commissioner of Labor.

9. Not exceeding one private secretary or confidential clerk to the Commissioner of Fish and Fisheries.

10. Not exceeding one private secretary or confidential clerk to the Secretary of the Smithsonian Institution.

11. Not exceeding one private secretary or confidential clerk to each of the Interstate Commerce Commissioners.

#### TREASURY DEPARTMENT.

12. All shipping commissioners.

13. Not exceeding one cashier in each customs district, if authorized by the Secretary of the Treasury.

14. Not exceeding one chief or principal deputy or assistant collector at each customs port; and not exceeding one principal deputy collector of customs at each subport or station.

15. Not exceeding one deputy naval officer at each customs port where a naval officer is authorized by law.

16. Not exceeding one deputy surveyor of customs at each customs port where a surveyor is authorized by law.

17. Not exceeding one private secretary or confidential clerk, if authorized by the Secretary of the Treasury, to the collector of each customs district where the receipts for the last preceding fiscal year amounted to as much as \$500,000.

18. Not exceeding one private secretary or confidential clerk, if authorized by the Secretary of the Treasury, to each of the appraisers at the ports of Boston, New York, and Philadelphia, respectively.

19. Not exceeding one counsel before the Board of United States General Appraisers.

20. Not exceeding one paymaster in the New York customs district.

21. All positions in Alaska in the customs and internal-revenue services.

22. All deputy collectors of internal revenue who are borne on the rolls as such and the allowance for whose salaries is approved by the Secretary of the Treasury: Provided, That no position designated as a clerkship under a collector of internal revenue, appointment to which is made by the Secretary of the Treasury, shall be discontinued for the purpose of substituting a deputy collectorship therefor, or for any purpose other than a bona fide reduction of force, and that before such reduction shall be made the reasons therefor shall be given in writing by the collector of the district and shall

*be approved by the Commissioner of Internal Revenue and the Secretary of the Treasury.*

*23. Storekeepers and gaugers whose compensation does not exceed \$3 per day when actually employed and whose aggregate compensation shall not exceed \$500 per annum.*

*24. Officer in charge of the Bureau of Statistics.*

*25. Not exceeding one chief clerk in each mint or assay office, who is authorized by law to act for the superintendent or assayer in charge during his absence or disability.*

*26. One private secretary or confidential clerk to the superintendent, one cashier, one deposit weigh clerk, one assistant coiner, one assistant melter and refiner, and one assistant assayer in each mint or assay office.*

*Provided, That appointments to the positions named in this rule in clauses 13, 14, 15, 16, 22, and 23 shall be subject to an examination, to be prescribed by the Secretary of the Treasury, equivalent to the examination held by the Commission for positions of like grade. Such examinations shall be conducted by the Commission in accordance with its regulations: Provided, That examinations may be waived by the Secretary of the Treasury for appointments in the Alaska customs service and internal-revenue service in Alaska.*

#### WAR DEPARTMENT.

*27. Not exceeding one clerk to each army paymaster in actual service.*

#### DEPARTMENT OF JUSTICE.

*28. Wardens, chaplains, and physicians in the United States penitentiaries or prisons.*

*29. Not to exceed one private secretary or confidential clerk to each United States district attorney.*

*30. Examiners.*

#### POST-OFFICE DEPARTMENT.

*31. The Assistant Attorney-General for the Post-Office Department.*

*32. Not exceeding one private secretary or confidential clerk to the Assistant Attorney-General.*

*33. Not exceeding one private secretary or confidential clerk to the postmaster, if authorized by the Postmaster-General, at each post-office where the receipts of the last preceding fiscal year amounted to as much as \$350,000.*

*34. One assistant postmaster or the chief assistant to the postmaster of whatever designation, at each post-office.*

*35. Not exceeding one auditor at the post-office in New York City.*

*36. Not exceeding one finance clerk, if authorized by law and regularly and actually assigned to act as auditor, at each post-office where the receipts for the last preceding fiscal year amounted to as much as \$350,000.*

*37. Not exceeding one cashier or finance clerk at each first class post-office.*

*38. Not exceeding one cashier and one finance clerk at each post-office where the receipts for the last preceding fiscal year amounted to as much as \$500,000.*

*39. Not exceeding one cashier and two finance clerks at each post-office where the receipts for the last preceding fiscal year amounted to as much as \$1,000,000.*

*40. Not exceeding one cashier and three finance clerks at each post-office where the receipts for the last preceding fiscal year amounted to as much as \$2,000,000.*



41. *Not exceeding one clerk, who shall be a regular physician, at each first-class post-office, when authorized by the Postmaster-General, to examine applications for sick leave, and also to act as a general utility clerk.*

DEPARTMENT OF THE INTERIOR.

- 42. *The superintendent of the Hot Springs Reservation.*
- 43. *One special land inspector.*
- 44. *Inspectors of coal mines in the Territories.*
- 45. *Special agents employed, as necessity for their employment may arise, for the purpose of protecting public lands.*
- 46. *The inspectors of surveyors-general and district land offices.*
- 47. *Superintendents of irrigation in the Indian service.*
- 48. *Superintendents of logging in the Indian service.*
- 49. *Fire special Indian agents, as authorized by law.*
- 50. *Special agents for the allotment of land in severalty to the Indians, as the necessity for their employment may arise.*
- 51. *Special commissioners to negotiate with Indians, as the necessity for their employment may arise.*
- 52. *Engineers to make surveys of reservation boundary lines and surveys at Indian agencies, as the necessity for their employment may arise.*
- 53. *Examiners of Indian timber lands, as the necessity for their employment may arise.*
- 54. *One financial clerk at each Indian agency to act as agent during the absence or disability of the agent.*
- 55. *All positions in the Alaska school service.*
- 56. *Not exceeding five special pension examiners to investigate fraudulent and other pension claims of a criminal nature.*
- 57. *One clerk at each pension agency to act for the agent during his absence or disability.*

DEPARTMENT OF AGRICULTURE.

- 58. *Agents and experts who are temporarily appointed and employed in making investigations and furnishing information for the Department, as provided by law or under the direction of the head of the Department, which agents and experts shall be borne on the rolls as such and be actually engaged in the duties for which they are appointed, and whose payment has been authorized by law.*
- 59. *One statistical agent in each State and Territory where authorized by law.*

SMITHSONIAN INSTITUTION.

- 60. *The Assistant Secretary of the Smithsonian Institution, in charge of the United States National Museum.*

RULE VII.

Rating examination papers.

- 1. *Examination papers shall be rated on a scale of 100, and the subjects therein shall be given such relative weights as the Commission may prescribe. After a competitor's papers have been rated, he shall be duly notified of the result thereof.*

Eligible average.

- 2. *Every competitor who attains an average percentage of 70 or over shall be eligible for appointment to the position for which he was examined; and the names of eligibles shall be entered, in the*

order of their average percentages, on the proper register of eligibles: *Provided*, That the names of all competitors whose claims to preference under the provisions of section 1754 of the Revised Statutes have been allowed by the Commission, and who attain an average percentage of 65 or over, shall be placed, in the order of their average percentages, at the head of the proper register of eligibles.

Eligible average of preference claimants.

3. For filling vacancies in positions for which competitive tests are not practicable, the registration of applicants shall be in the order in which they fulfill the requirements prescribed therefor by regulation of the Commission: *Provided*, That persons who served in the military or naval service of the United States in the late war of the rebellion, or the Spanish-American war, and were honorably discharged therefrom, and persons who have been separated from such positions above mentioned through no delinquency or misconduct, shall be placed at the head of the proper register in the order of their fulfillment of said requirements.

Registration of applicants.

Registration of preference claimants.

Amended May 29, 1899.

4. The term of eligibility shall be one year from the date on which the name of the eligible is entered on the register: *Provided*, That this term may be extended, in the discretion of the Commission, for a further period of one year from the date of the expiration of the first year's eligibility, upon such conditions as the Commission may prescribe: *And provided further*, That in case a person whose name is upon any register shall be mustered into the military or naval service of the United States at a time when the United States may be engaged in war, the period of eligibility of such person shall, under such conditions as the Civil Service Commission may prescribe, be considered as suspended during the time such eligible may be serving in the Army or Navy of the United States.

Term of eligibility.

Amended May 29, 1899.

Suspension of eligibility upon enlistment.

#### RULE VIII.

In pursuance of the provisions of section 2 of the civil-service act, whenever a vacancy occurs in any position which has been, or may hereafter be, classified under the civil-service act, and which is not an excepted position, the filling of said vacancy, unless filled through noncompetitive examination or by reinstatement, transfer, promotion, or reduction, shall be governed as follows:

Method of filling vacancies.

1. The appointing or nominating officer shall request certification to him of the names of eligibles for the position vacant, and the Commission shall certify to said officer from the proper register the three names at the head thereof which have not been three times certified to the department or office in which the vacancy exists: *Provided*, That certification for temporary appointment shall not be counted as one of the three certifications to which an eligible is entitled: *And provided further*, That whenever the sex of those whose names are to be certified is fixed by any law, rule, or regulation, or is specified in the request for certification, the names of those of the sex so fixed or specified shall be certified; but in other cases certification shall be made without regard to sex.

Three names to be certified.

Certification for temporary appointment.

Certification by sexes.

2. Of the three names certified the nominating or appointing officer shall select one, and if at the time of selection there are more vacancies than one he may select more than one name, unless otherwise directed by the Commission.

Selections from certifications.

3. A person selected for appointment shall be notified of his selection by the appointing or nominating officer, and upon his acceptance shall receive from the appointing officer a certificate of appointment

Probationary period authorized.

for a probationary period of six months, at the end of which period, if the conduct and capacity of the probationer are satisfactory to the appointing officer, his retention in the service shall be equivalent to his absolute appointment; but if his conduct or capacity be not satisfactory, he shall be notified by the appointing officer that he will not receive absolute appointment because of such unsatisfactory conduct or want of capacity; and such notification shall discharge him from the service: *Provided*, That the probation of an employee in the Indian school service shall terminate at the end of the school year in which he is appointed: *And provided further*, That the time which an employee has actually served as substitute in parts of the service where substitutes are authorized shall be counted as part of the probationary period of his regular appointment, but that time served under a temporary appointment shall not be so counted.

What is equivalent to absolute appointment.

Discharge of probationer.

Termination of probation in Indian school service.

Service of substitute part of probationary period.

Temporary service not to be so counted.

Objection of appointing officer to eligible.

4. If the appointing or nominating officer shall object to an eligible named in the certificate, stating that, because of some physical defect, mental unsoundness, or moral disqualification, particularly specified, said eligible would be incompetent or unfit for the performance of the duties of the vacant position, and if said officer shall sustain such objection with evidence satisfactory to the Commission, the Commission may certify the eligible on the register who is in average percentage next below those already certified, in place of the one to whom objection is made and sustained.

Apportionment to be observed.

5. Certifications for appointment of persons for service in, or for direct detail from, any department or office in Washington, D. C., shall be so made as to maintain, as nearly as the conditions of good administration will warrant, the apportionment of such appointments among the several States and Territories and the District of Columbia

Exceptions from apportionment.

upon the basis of population: *Provided*, That appointments to the following-named positions shall not be so apportioned, viz: Those of printer's assistant, skilled helper, and operative in the Bureau of Engraving and Printing; those of plate printer, and engraver; those in the post quartermaster's office, the pension agency, and other local offices in the District of Columbia; those of page, messenger boy, apprentice, and student, and those named in the next succeeding section of this rule,

Amended May 29, 1899.

Waiver of evidence of citizenship.

appointments to which shall be apportioned as therein provided: *And provided further*, That a person who has been or may be separated from a classified position by reason of a necessary reduction of force, or by reason of an appointment to a position not in the classified service, may be reinstated under the provisions of Rule IX without filing new evidence of citizenship, and said appointment shall be charged to the apportionment of the State in which citizenship was claimed before said separation, unless a new citizenship is claimed, in which case the citizenship shall be proved in the manner required for original appointment.

Amendment of June 15, 1898.

6. Certifications for appointment to clerical positions and to positions in any of the recognized trades in the Government Printing Office shall be so made as to maintain, as nearly as the conditions of good administration will warrant, the apportionment of such appointments among the several States and Territories and the District of Columbia upon the basis of population according to the number of employees provided by law for that office who are affected by the provisions of this section.

Appointment to lowest class and exception there-to.

7. Within any part of the service to which promotion regulations have been or may hereafter be applied, certification of those eligible to original appointment shall not be made for filling a vacancy in a

position above the lowest class in any grade, whenever there is any person eligible and willing to be promoted to said vacancy: *Provided*, That a vacancy in any position requiring the exercise of technical or professional knowledge may be filled by original appointment.

8. When two or more eligibles on a register have the same average percentage, preference in certification shall be determined by the order in which their applications were filed. **Eligibles with same average percentage.**

9. For filling vacancies in positions outside of the District of Columbia, and in positions in the pension agency, the depot quartermaster's office, and other local offices in the District of Columbia, the territory of the United States shall be arranged in such sections or districts as the Commission may determine; and an eligible shall be certified, in his order, to vacancies in the section or district in which he resides, and upon his written request to vacancies in any one or more of the other sections or districts: *Provided*, That in the custom-house service, post-office service, or internal-revenue service an eligible shall be certified only to vacancies in the customs district, post-office, or internal-revenue district where he was examined. **Vacancies to be filled by districts.**

10. In any part of the service in which the employment of substitutes is not prohibited by law there may be certified and appointed, in the manner provided for in this rule, only such number of substitutes as are actually needed for the performance of substitute duty. **Employment of substitutes.**

11. In any part of the service in which substitutes are employed certifications of those eligible to original appointment shall be made for filling vacancies in substitute positions only, and vacancies in regular positions shall be filled by the appointment or promotion thereto of substitutes in the order of their original appointment as substitutes whenever there are substitutes of the required sex who are eligible and willing to be so appointed or promoted. Substitutes so appointed or promoted shall, however, be subject to the provisions of these rules relating to probation and permanent appointment. **Appointment and promotion of substitutes.**

12. Upon request of the appointing or nominating officer, preference in certification may be given to the wife of the superintendent of an Indian school for filling a vacancy in the position of teacher or matron in said school. **Preference to wife of superintendent of Indian school.**

13. Whenever there are no names of eligibles upon a register for any grade in which a vacancy exists and the public interest requires that it must be filled before eligibles can be provided by the Commission, such vacancy may, subject to the approval of the Commission, be filled by appointment without examination and certification for such part of three months as will enable the Commission to provide eligibles. Such temporary appointment shall expire by limitation as soon as an eligible shall be provided, and no person shall serve longer than three months in any one year under such temporary appointment or appointments, unless by special authority of the Commission previously obtained. Said year limitation shall commence from the date of such first appointment: *Provided*, That whenever an emergency shall arise requiring that a vacancy shall be filled before a certification can be issued and an appointment made thereto in the manner provided in these rules, such vacancy may be filled, without regard to the provisions of these rules, for such part of thirty days as may be required for the issuance of a certificate and the execution of the necessary details of an appointment thereto in accordance with said provisions. Such appointment shall in no case continue longer than thirty days. **Temporary appointment for emergency.** **Restrictions upon temporary appointments.**

When temporary appointment must cease.

14. Whenever a temporary appointment shall be made through certification from the eligible registers of the Commission in the manner provided in these rules, such temporary appointment shall in no case continue longer than six months and shall expire by limitation at the end of that period.

When temporary appointment may be made permanent.

Promulgated May 29, 1899.

15. *All persons serving under temporary appointments at the date of the approval of this section may be permanently appointed, in the discretion of the proper appointing officer; and the special rule approved January 20, 1899, relative to temporary appointments in the Navy Department is hereby rescinded.*

#### RULE IX.

Reinstatements within one year.

A vacancy in any position which has been, or may hereafter be, classified under the civil-service act, may, upon requisition of the proper officer and the certificate of the Commission, be filled by the reinstatement, without examination, of any person who, within one year next preceding the date of said requisition, has, through no delinquency or misconduct, been separated from a position included within the classified service at the date of said requisition and in that department or office and that branch of the service in which said vacancy exists: *Provided*, That for original entrance to the position proposed to be filled by reinstatement there is not required by these rules, in the opinion of the Commission, an examination involving essential tests different from or higher than those involved in the examination for original entrance to the position formerly held by the person proposed to be reinstated:

Position to which reinstatement may be made.

Reinstatement of preference claimants.

Amended May 29, 1899.

*And provided further*, That, subject to the other conditions of these rules, any person who has served in the military or naval service of the United States in the late war of the rebellion or in the Spanish-American war and was honorably discharged therefrom, or the widow of any such person, or an army nurse of either of said wars, and any person who has been separated from the service by reason of a reduction of force specifically required by law, may be reinstated without regard to the length of time he or she has been separated from the service:

Reinstatement where dismissal was made upon charges.

*And provided further*, That any person dismissed from the service upon charges of delinquency or misconduct may be reinstated, subject to the other conditions of these rules, without regard to the one-year time limit of this rule, upon the certificate of the proper appointing officer that he has thoroughly investigated the case and that the charges upon which the dismissal was based were not true.

#### RULE X.

Transfers.

Within that part of the civil service of the United States which has been, or may hereafter be, classified under the civil-service act, transfers shall be governed as follows:

Transfers in same department, office, or branch of service.

1. A person in any department or office may be transferred within the same department or office and the same branch of the service upon any test of fitness, not disapproved by the Commission, which may be determined upon by the appointing officer, subject to the limitations of the provisos of section 2 of this rule.

Transfers from department, office, or branch of service.

Age limitations governing transfers.

Amended May 29, 1899.

2. A person who has received absolute appointment may be transferred, without examination, from any department, office, or branch of the service, upon requisition and consent of the proper officers, and the certificate of the Commission: *Provided*, That no transfer shall be made of a person to a position within the same department or office and the same branch of the service, or to a position in another depart-



ment, office, or branch of the service, if from original entrance to such position said person is barred by the age limitations prescribed therefor, or by the provisions regulating apportionment, "*but the provisions in relation to apportionment shall be waived upon the certificate of the appointing officer that the transfer is required in the interests of good administration.*" And provided further, That transfers shall not be made without examination, provided by the Commission, to a position for original entrance to which, in the judgment of the Commission, there is required by these rules an examination involving essential tests different from or higher than those involved in the examination required for original entrance to the position from which transfer is proposed; but a person employed in any grade shall not because of such employment be barred from the open competitive examination provided for original entrance to any other grade.

When examinations are required for transfers.

Employees not barred from open competitive examinations.

3. Upon requisition of the proper officer and the certificate of the Commission, transfer may be made without examination from the office of the President of the United States, after continuous service therein for the two years next preceding the date of said requisition, to any position classified under the civil-service act, if in said position there is required, in the judgment of the Commission, the performance of the same class of work that is required to be performed in the position from which transfer is proposed.

Transfer from the office of the President.

4. Transfer shall not be made from an excepted position to a position not excepted: *Provided*, That a person holding an excepted position at the time said position is classified under the civil-service act, or a person holding an excepted position which he entered prior to the President's order of November 2, 1894, may, subject to the other conditions and provisions of this rule, be transferred to a position not excepted.

No transfer from excepted to nonexcepted position, with exception.

5. Transfer shall not be made from a position not classified under the civil-service act to a classified position: *Provided*, That a person who, by promotion or transfer from a classified position, has entered a position, appointment to which is made by the President by and with the advice and consent of the Senate, and has served continuously therein from the date of said promotion or transfer, may be transferred from said Presidential appointment to the position from which he was so transferred or to any position to which transfer could be made therefrom.

No transfer from unclassified to classified position, with exception.

6. Transfer shall not be made from a position outside the District of Columbia to a position within the District of Columbia except upon the certificate of the Commission, subject to the other conditions and provisions of this rule.

Transfer from position outside to position within District of Columbia.

7. Any person who has been transferred from a classified position to another classified position may be retransferred to the position in which he was formerly employed, or to any position to which transfer could be made therefrom, without regard to the limitations of this rule.

Transfer from one classified position to another classified position.

8. All transfers herein authorized shall be made only after the issuance by the Commission of the certificates therefor, except those which may be specifically exempted from such condition by regulation of the Commission.

Certificates for transfers.

9. Whenever a person is proposed for transfer from one branch of the service to another branch of the service, and from a part of the service not within the provisions regulating apportionment to a part of the service within said provisions, and the transfer is one which, under the provisions of this rule, may be allowed without examina-

Facts to be set forth in application for transfer.

tion, such person shall be required, precedent to his transfer, to file a statement under oath setting forth the same facts, accompanied by the same certificates or vouchers relating to residence as may be required in an application for examination.

#### RULE XI.

##### Promotions.

1. In pursuance of the requirements of section 7 of the civil-service act, competitive tests or examinations shall, as far as practicable and useful, be established to test fitness for promotion in any part of the civil service of the United States which has been, or may hereafter be, classified under the civil-service act.

Commission to formulate details regulating promotions.

2. Regulations to govern promotions shall be formulated by the Commission after consultation with the heads of the several departments, bureaus, or offices. It shall be the duty of the head of each department, bureau, or office, when such regulations have been formulated, to promulgate the same, and any amendments or revocations thereof shall be approved by the Commission before going into effect.

Commission to designate boards of promotion.

3. The Commission shall, upon the nomination of the head of each department, bureau, or office, designate and select a suitable number of persons, not less than three, in said department, bureau, or office, to be members of a board of promotion. In the departments, bureaus, or offices in Washington, and in all other offices, the members of any board of promotion shall not all be adherents of one political party, when persons of other political parties are available and competent to serve upon said board.

Promotions before adoption of regulations.

4. Until the regulations herein authorized have been approved for any department, bureau, or office, in which promotion regulations approved by the Commission are not in force, promotions therein may be made from one class to another class which is in the same grade, and from one grade to another grade, upon any test of fitness, not disapproved by the Commission, which may be determined upon by

When examinations are required for promotions.

the promoting officer: *Provided*, That no promotion of a person shall be made, except upon examination provided by the Commission, from one class to another class, or from one grade to another grade, if for original entrance to said class or grade to which promotion is proposed there is required by these rules an examination involving essential tests different from or higher than those involved in the examination required for original entrance to the class or grade from which promotion is proposed: *And provided further*, That no promotion of a person shall be made, except upon examination provided by the Commission, to a position in which, in the judgment of the Commission, there is not required the performance of the same class of work or the practice of the same mechanical trade which is required to be performed or practiced in the position from which promotion is proposed; but a person employed in any grade shall not, because of such employment, be barred from the open competitive examination provided for original entrance to any other grade: *And provided further*, That no promotion of a person shall be made to a class or grade from original entrance to which such person is barred by the age limitations prescribed therefor or by the provisions regulating apportionment.

Employee not barred from open competitive examinations.

Age limitations.

#### RULE XII.

List of all positions and employments to be furnished to Commission.

1. In pursuance of the provisions of section 2 of the civil-service act, every nominating or appointing officer in the executive civil service of the United States shall furnish to the Commission a list of



all the positions and employments under his control and authority, together with the names, designations, compensations, and dates of appointment or employment, of all persons serving in said positions or employments; said list to be arranged as follows: (a) classified positions not excepted from examination; (b) classified positions excepted from examination; (c) unclassified positions.

2. Every nominating or appointing officer in the executive civil service shall report in detail to the Commission, in form and manner to be prescribed by the Commission, all changes, as soon as made, and the dates thereof, in the service under his control and authority, setting forth among other things the following: The position to which an appointment or reinstatement is made; the position from which a separation is made, whether the same was caused by dismissal, resignation, or death; and the position from which and the position to which a transfer or promotion is made; the compensation of every position from which or to which a change is made; the name of every person appointed, reinstated, promoted, transferred, or separated from the service; and every failure to accept an appointment and the reasons therefor.

Reports of changes in service to be made to Commission.

### RULE XIII.

*The officers and employees in all branches of the classified service of the United States, for the purposes of these rules, shall be arranged in the following classes unless otherwise provided by law:*

Classification of employees.

*Class A. All persons receiving an annual salary of less than \$720, or a compensation at the rate of less than \$720 per annum.*

*Class B. All persons receiving an annual salary of \$720 or more, or a compensation at the rate of \$720 or more, but less than \$840 per annum.*

*Class C. All persons receiving an annual salary of \$840 or more, or a compensation at the rate of \$840 or more, but less than \$900 per annum.*

*Class D. All persons receiving an annual salary of \$900 or more, or a compensation at the rate of \$900 or more, but less than \$1,000 per annum.*

*Class E. All persons receiving an annual salary of \$1,000 or more, or a compensation at the rate of \$1,000 or more, but less than \$1,200 per annum.*

*Class 1. All persons receiving an annual salary of \$1,200 or more, or a compensation at the rate of \$1,200 or more, but less than \$1,400 per annum.*

*Class 2. All persons receiving an annual salary of \$1,400 or more, or a compensation at the rate of \$1,400 or more, but less than \$1,600 per annum.*

*Class 3. All persons receiving an annual salary of \$1,600 or more, or a compensation at the rate of \$1,600 or more, but less than \$1,800 per annum.*

*Class 4. All persons receiving an annual salary of \$1,800 or more, or a compensation at the rate of \$1,800 or more, but less than \$2,000 per annum.*

*Class 5. All persons receiving an annual salary of \$2,000 or more, or a compensation at the rate of \$2,000 or more, but less than \$2,500 per annum.*

*Class 6. All persons receiving an annual salary of \$2,500 or more, or a compensation at the rate of \$2,500 or more per annum.*

*Provided, That this classification shall not include persons appointed to an office by and with the advice and consent of the Senate, nor persons employed as mere laborers or workmen; but all positions whose occupants are designated as laborers or workmen and who were prior to May 6, 1896, and on June 10, 1896, regularly assigned to work of the same grade as that performed by classified employees shall be included within this classification. Hereafter no person who is appointed as a laborer or workman without examination under the civil-service rules shall be assigned to work of the same grade as that performed by classified employees.*

## EXPLANATION OF AMENDMENTS OF MAY 29, 1899.

The amendments to the rules made by the President on May 29, 1899, will be found in Rule II, section 8; Rule III, section 8, clauses (a), (b), (c), (d), (e), (f), (g), (h), (i), (j), (k), (l), (m), (n), (o), (p), and (q); Rule IV, section 3, clause (c); Rule VI, No. 1 to No. 60, both inclusive; Rule VII, sections 3 and 4; Rule VIII, sections 5 and 6, and a new section at the end; Rule IX; Rule X, section 2, and Rule XIII, now as a rule, but which existed before as an order under date of June 10, 1896.

Rule II, section 8, formerly read as follows:

“8. No removal shall be made from any position subject to competitive examination except for just cause and upon written charges filed with the head of the department or other appointing officer and of which the accused shall have full notice and an opportunity to make defense.”

In Rule VIII, section 5, governing apportionment, the words “as nearly as possible” are stricken out and the words “as nearly as the conditions of good administration will warrant” substituted.

In Rule X, section 2, governing transfers, the following words are stricken out: “or if in said position there is not required, in the judgment of the Commission, the performance of the same class of work, or the practice of the same mechanical trade, performed or practiced in the position from which transfer is proposed.”

The special rule made January 20, 1899, referred to in Rule VIII, section 15, and rescinded, read as follows:

“Persons appointed temporarily under the provisions of Rule VIII, clause 12, of the civil-service rules, in the Navy Department, may be treated as absolutely in the classified civil service under the following conditions:

“1. That such persons entered on duty prior to September 15, 1898, and have been continuously in the service.

“2. That the services of such persons have proved satisfactory to their immediate superiors, who shall certify that they can not be dispensed with without detriment to the public interests.

“3. That such persons shall have attained an efficiency record of 75 for the six months ended December 31, 1898, under the provisions of the Navy Department Order No. 13, adopted by the Commission July 29, 1896.

“4. Such persons shall not be eligible for transfer to positions in the departments at Washington except after service of six months and under the conditions prescribed in Civil Service Rule X, and upon a statement by the head of the department requesting the transfer that the conditions of good administration demand the appointment of the person nominated because of some special requirement of the place or qualifications of the person for the place which can not otherwise be reasonably met.

“Every absolute appointment under this rule shall be reported to the Civil Service Commission in the usual monthly reports of the department.”

**EMPLOYMENT OF LABOR.****NAVY-YARD SERVICE.****ADOPTION OF NAVY-YARD REGULATIONS.****RESOLUTION OF THE COMMISSION.**

Whereas the enforcement by the Secretary of the Navy of regulations governing the employment of labor at navy-yards having been shown to be highly useful, and it being important that they should be given stability independent of changes of Administration, and it appearing that the examinations and other tests of fitness provided by these regulations are based on the principles that personal fitness should prevail over recommendation, and that political influence should be disregarded, it is

*Ordered*, That these regulations be, and they are hereby, adopted as the regulations of this Commission under the authority conferred by clause 1 of Rule I.—*Minutes of July 29, 1896, clause 4.*

**EXECUTIVE ORDER.**

The regulations of the Navy Department governing the employment of labor at navy-yards having been adopted by the Civil Service Commission as a regulation of the Commission July 29, 1896, under the authority conferred by clause 1, Rule I, of the Revised Civil Service Rules of May 6, 1896, it is hereby ordered that no modification of the existing regulations shall be made without the approval of the Civil Service Commission.

GROVER CLEVELAND.

EXECUTIVE MANSION,  
*November 2, 1896.*

## AMENDMENTS TO THE CIVIL-SERVICE RULES.

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During the period covered by this report and the year following, the following changes in the civil-service rules were made by the President:

### July 9, 1897.

Rule IX was amended by inserting in the second proviso, after the word "person," where it occurs the second time, the words "or an army nurse of said war."

As amended, the proviso reads:

*"And provided further, That, subject to the other conditions of these rules, any person who served in the military or naval service of the United States in the late war of the rebellion and was honorably discharged therefrom, or the widow of any such person, or an army nurse of said war, may be reinstated without regard to the length of time he or she has been separated from the service."*

### July 27, 1897.

Rule II was amended by adding a new section, which reads:

*"8. No removal shall be made from any position subject to competitive examination except for just cause and upon written charges filed with the head of the Department or other appointing officer, and of which the accused shall have full notice and an opportunity to make defense."*

Rule III, section 3, was amended by striking out all that followed the word "district," in the third line—excepting from classification customs ports having less than five employees—so that the section reads:

*"3. The custom-house service shall include such officers and employees as have been or may hereafter be classified under the civil-service act who are serving in any customs district."*

Rule VI was amended to except from competition certain employees in the customs service and in the Internal-Revenue Service. The language omitted is given below in brackets and the new language in italics:

*"The following-named employees or positions which have been, or may hereafter be, classified under the civil-service act shall be excepted from the requirements of examination or registration before the Commission, except as herein prescribed:*

#### DEPARTMENTAL SERVICE:

(a) Private secretaries or confidential clerks (not exceeding two) to the President or to the head of each of the eight Executive Departments.

(b) Indians employed in the Indian service at large, except those employed as superintendents, teachers, teachers of industries, kindergartners, and physicians.

(c) Attorneys or assistant attorneys in any Department whose main duties are connected with the management of cases in court.

#### CUSTOM-HOUSE SERVICE:

(a) One cashier in each customs district.

(b) One chief or principal deputy or assistant collector in each customs district [whose employees number as many as 150].

(c) *One principal deputy collector at each subport or station.*

**POST-OFFICE SERVICE:**

(a) One assistant postmaster, or chief assistant to the postmaster, of whatever designation, at each post-office.

(b) One cashier of each first-class post-office when employed under the roster title of cashier only.

**INTERNAL-REVENUE SERVICE:**

(a) One employee in each internal-revenue district, who shall act as cashier or chief deputy or assistant collector, as may be determined by the Treasury Department.

(b) *One deputy-collector in each internal-revenue district where the number of employees in the office of the collector exceeds four.*

(c) *One deputy collector in each stamp (or branch) office.*

*Appointments to the positions named in this rule in the custom-house service and in the Internal-Revenue Service shall be subject to an examination to be prescribed by the Secretary of the Treasury, not disapproved by the Commission, equal to the examination held by the Commission for positions of like grade. Such examination shall be conducted by the Commission in accordance with its regulations.*

The places withdrawn from competition as the result of these additional exceptions included one principal deputy at each customs port, instead of one at each of the six principal ports as theretofore; and one deputy at each subport. In the Internal-Revenue Service the exceptions included one additional deputy in each district where the number of employees in the office of the collector exceeds four, and one deputy in each stamp or branch office. The principal positions affected are 87 principal deputies at customs ports, and about 63 in the Internal-Revenue Service. The deputyships at subports and at stamp offices, numbering 288, are of less importance. Many of the latter are bank clerks, or persons who perform their official duties in connection with some other private business.

The addition to the classification of the minor customs ports is of relatively small consequence. There are fifty-seven such ports, having altogether 75 classified employees, and at six of these ports the collector or surveyor is the sole officer in the district. Of the 75 classified employees 60 are excepted under the provisions of Rule VI and 15 are subject to competitive examination.

The reasons for the exception of the principal deputy collectors at subports or stations in the customs service were stated in a letter of the Secretary of the Treasury, dated July 3, to be as follows:

I am of the opinion that the principal deputy collectors at the various subports or stations should also be of the excepted class. These deputies are charged with duties of an administrative and executive character, often involving important questions of law and large sums of money. In some districts the greater portion of the duties received are collected through the subports or stations. The collector is responsible under bond for the faithful accounting for these collections as well as for the other official acts of such deputies. He should therefore have the power of selecting for these positions persons in whom he has the fullest confidence, provided they are otherwise duly qualified to perform the duties required. In order to determine their qualifications the persons selected by the collector should be required to pass a noncompetitive examination before the local board of civil-service examiners for the customs service, the standard of such examination to be the same as that prescribed for competitive examinations for collector.

I recommend that the civil-service rules be amended in accordance with the above suggestions.

In a letter dated July 21, giving reasons for the exceptions in the Internal-Revenue Service, the Secretary of the Treasury said that the deputies proposed to be excepted under clause (b) are charged with duties of a confidential character as well as administrative functions, and that those proposed to be excepted under clause (c) are responsible for stamps of large value and the daily receipts resulting from the sale of stamps, and that in each of these cases the collector should be able to select persons who are known to him and whose reputation for integrity is well established to fill those offices.

**May 13, 1898.**

Rule VII, clause 4, was amended suspending the period of eligibility in the case of persons enlisting in the Army or Navy, at a time when the United States is engaged in hostilities.

**May 27, 1898.**

NAVY DEPARTMENT,

*Washington, May 26, 1898.*

SIR: The Department has temporarily appointed a number of clerk-copyists, stenographers, typewriters, subinspectors, draftsmen, etc., in the Department here and at the various navy-yards, naval stations, etc., within the past ninety days, because their services at the time of appointment were needed at once and the preliminaries of the civil-service rules could not be complied with without embarrassing delays—persons certified from the eligible lists by the United States Civil Service Commission frequently declining to accept *temporary* employment at the rate of pay allowed. The limit of ninety days will soon be reached in many cases. These employees have become familiar enough with their duties to make themselves far more useful and desirable than new appointees, and the Department requests that the limit of ninety days for temporary appointments thus made be extended until the emergency which caused their employment ceases. I recommend that the United States Civil Service Commission be authorized to suspend its rule concerning these employees, with the understanding that the Department will continue in the course it has pursued, namely, that temporary appointments will not be made unless the formal preliminaries required by the civil-service rules will, in the judgment of the Department, cause embarrassing delays in procuring *promptly* the services of persons for *temporary* positions.

Very respectfully,  
To the PRESIDENT.

JOHN D. LONG, *Secretary.*

EXECUTIVE MANSION, *May 27, 1898.*

Approved.

WILLIAM MCKINLEY.

**June 15, 1898.**

Rule VIII was amended by inserting a new clause as follows:

Certifications for appointment to clerical positions and to positions in any of the recognized trades in the Government Printing Office shall be so made as to maintain, as nearly as the conditions of good administration will warrant, the apportionment of such appointments among the several States and Territories and the District of Columbia upon the basis of population according to the number of employees provided by law for that office who are affected by the provisions of this section.

The Committee on Civil Service and Retrenchment of the United States Senate, in a report submitted on March 9, 1898 (Senate Report 659, Fifty-fifth Congress, second session, Examination of Civil Service), stated:

In both the Government Printing Office and the Bureau of Engraving and Printing the rule of apportionment of appointments among the States does not prevail. If the Government Printing Office shall remain in the classified service, then every means possible should be taken to apportion the appointments among the various States and to reduce as much as possible the temporary appointments now made from the District of Columbia.

**June 17, 1898.**

The President approved the following amendment to Rule VI:

The appointment of a successor to the present incumbent of the position of Chief of the Division of Forestry in the Department of Agriculture may be made without examination under the civil-service rules.

**January 20, 1899.**

For amendment to the rules of this date, see the explanation of amendments to the rules appearing at page 70.



**April 18, 1899.**

The President approved the following amendment to Rule VI:

Civil-service Rule VI is hereby amended by adding thereto the following:

GOVERNMENT PRINTING SERVICE:

One foreman of job division.

**May 29, 1899.**

The amendments made on this date are explained at page 68 *ante*.

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## RECOMMENDATIONS OF THE COMMISSION FOR CHANGES IN THE RULES.

### 1. THE LIBRARY OF CONGRESS.

On May 3, 1898, the Commission addressed the President with reference to the extension of the civil-service rules to the Library of Congress. It said:

The title of the act of January 16, 1883, is "An act to regulate and improve the civil service of the United States." The following is a provision of section 6, paragraph 3, of this act:

Each head of an office shall, on the direction of the President, and for facilitating the execution of this act, respectively, revise any then existing classification or arrangement of those in their respective departments or offices, and shall, for the purposes of the examination herein provided for, include in one or more of such classes, so far as practicable, subordinate places, clerks, and officers in the public service pertaining to their respective departments not before classified for examination.

The authority here conferred upon the President is limited as follows by the succeeding section:

Nor shall any officer not in the executive branch of the Government \* \* \* be required to be classified hereunder.

From the title and provisions quoted it seems that the President clearly has authority to extend the classification to any office in the executive branch of the Government. Therefore the question as to his authority to direct the classification of the Library of Congress resolves itself into the question merely whether that office is in the executive branch of the Government or legislative branch. This naturally leads to the consideration of what offices are in the legislative branch. It has been generally understood that the Library of Congress is perhaps very close to the dividing line between the two branches of the Government mentioned. It seems to the Commission, however, that perhaps the title of this office is somewhat of a misnomer, and might more properly be "The Library of the United States." Bearing upon this point it should be noted that each branch of Congress has a library of its own, and the librarians and employees thereof are chosen by each House, respectively, the same as other officers of the Senate and of the House of Representatives: For example, Secretary of the Senate, Sergeant-at-Arms of the Senate, Clerk of the House, Sergeant-at-Arms of the House, and Doorkeeper of the House.

On the other hand, section 88 of the Revised Statutes provides that "the President solely shall appoint from time to time a librarian to take charge of the Library of Congress," and section 91, Revised Statutes, provides that "the Librarian of Congress is authorized to employ from time to time the following assistants in the business of the Library." It seems therefore that neither Congress, nor either House thereof, has anything to do with the appointment of the Librarian or of the employees of the Library of Congress. This indicates that it should be regarded as an executive rather than a legislative office.

It is true that the Library is under the control of what is known as a Joint Committee of Congress upon the Library, but it would seem that this control is confined exclusively to that of a legislative character. And, so far as this is concerned, Congress may be said to have practically the same sort of control over any executive office of the United States.

This matter is brought to your attention, as it is understood that you desire to refer it to the Attorney-General for his opinion.



At pp. 62-65 of its Fourteenth Report the Commission gave at greater length reasons for the classification of the Library of Congress, which were embodied in a letter to President Cleveland. One of the reports (Report 659) made by the Senate Committee on Civil Service and Retrenchment, March 9, 1898, recommended the extension of the classified service to the Library. See elsewhere in this report the articles headed "Need of classifying the force to be employed in taking the Twelfth Census," and "The municipal service of the District of Columbia."

The testimony of appointing officers as to the beneficial results of the enforcement of the civil-service rules in their respective offices appears in preceding reports. See particularly pages 47-53, Fourteenth Report.

## 2. EXCEPTIONS FROM EXAMINATION.

On June 1, 1898, the Commission transmitted to the President, with its favorable recommendation, a proposed amendment of Rule VI, extending exceptions from examination. The list of exceptions was based upon recommendations made by the heads of departments to the Senate. (See report of the Senate Committee on Civil Service and Retrenchment, March 9, 1898, Fifty-fifth Congress, second session, report No. 659.) The Commission found it very difficult to procure from some of the departments the requisite information in many cases, upon which it could form proper conclusions touching the exceptions desired. This difficulty was much increased because of the fact that the departments at the time had their attention largely absorbed in matters relating to the war with Spain.

The Commission from time to time had its attention called to the many conflicts arising out of the appointments and removals of deputy collectors of internal revenue, pension examining surgeons, office deputy marshals, and other officials, which had become a source of annoyance. These conflicts are stated at length in this appendix. In the statement which follows the reasons for recommending the exceptions are given. Numerous appointments had been made of a temporary and doubtful character and without proper stability of tenure, and this uncertainty had been detrimental to the public service.

In making these recommendations to the President the Commission stated that its attention had been called to many other positions suggested for exception, and that while such exceptions might possess merit, so far as related to some of the positions, yet it desired to give the matter further consideration before making any recommendations touching further exceptions.

The rule, with the proposed amendments, was as follows:

[Copy as submitted to the President June 1, 1898.]

### AMENDMENT OF CIVIL-SERVICE RULE VI.

Civil-Service Rule VI is hereby amended to read as follows:

#### RULE VI.

The following-named employees or positions which have been classified under the civil-service act shall be excepted from the requirements of examination or registration:

#### ALL DEPARTMENTS.

(1) Not exceeding two private secretaries or confidential clerks to the President, and to the head of each of the eight Executive Departments; and not exceeding one private secretary or confidential clerk, if authorized by law, borne on the rolls and regularly and actually performing the duties as such, to each of the assistant heads

of Departments, and to each of the heads of bureaus in the Departments appointed by the President and confirmed by the Senate, and to the Commissioner of Fish and Fisheries.

(2) Attorneys or assistant attorneys whose main duties are connected with the management of cases in court.

**TREASURY DEPARTMENT.**

(1) All shipping commissioners.

(2) Local physicians temporarily employed as acting assistant surgeons in the Marine-Hospital Service.

(3) Not exceeding one cashier in each customs district, if authorized by law, borne on the rolls and actually and regularly performing the duties as such.

(4) Not exceeding one chief or principal deputy or assistant collector at each customs port; and not exceeding one principal deputy collector of customs at each subport or station.

(5) Not exceeding one private secretary or confidential clerk, if authorized by law, borne on the rolls and actually and regularly performing the duties as such, to the collector of each customs district where the receipts for the last preceding fiscal year amounted to as much as \$500,000.

(6) Not exceeding one counsel before the Board of General Appraisers in the New York customs district; and not exceeding one paymaster in the New York customs district.

(7) All positions in the Alaska customs service and Internal-Revenue Service.

(8) All deputy collectors of internal revenue provided for by law whose appointment shall be made or approved by the Secretary of the Treasury and who shall be borne on the rolls as and perform the duties of deputy collector, and not simply and regularly the duties of a clerk or of any other classified position: *Provided*, That any clerk or other employee who may be designated as deputy collector simply and solely for the purpose of administering oaths shall not for that reason be excepted.

(9) Storekeepers and gaugers whose compensation does not exceed three dollars per day when actually employed, and whose aggregate compensation shall not exceed five hundred dollars per annum.

**WAR DEPARTMENT.**

(1) Two civilian members of the Board of Publication in the War Records Office.

(2) Military park commissioners, and all persons outside of Washington, D. C., connected with or in the service of the National Military Park Commissions.

**DEPARTMENT OF JUSTICE.**

(1) All office deputy marshals whose appointment is authorized by law and approved by the Attorney-General, and who are borne on the rolls as deputy marshals and perform the duties of such, and not regularly the duties of a clerk.

(2) Not exceeding one private secretary, who shall be a stenographer, to each United States district attorney, if authorized by law, borne on the rolls, and regularly and actually performing the duties as such.

**POST-OFFICE DEPARTMENT.**

(1) The Assistant Attorney-General for the Post-Office Department and one law clerk (who shall be an attorney at law), who shall act for the Assistant Attorney-General during his absence or disability.

(2) Not exceeding seven post-office inspectors.

(3) One assistant postmaster or chief assistant to the postmaster, of whatever designation, at each post-office.

(4) Not exceeding one private secretary or confidential clerk, if authorized by law, borne on the rolls, and regularly and actually performing the duties as such, to the

postmaster at each post-office where the receipts for the last preceding fiscal year amounted to as much as \$350,000.

(5) Not exceeding one auditor, if authorized by law, borne on the rolls, and regularly and actually performing the duties as such, at the post-office in New York City; and not exceeding one superintendent of stations, if authorized by law and regularly and actually assigned to act as auditor, at each post-office where the receipts for the last preceding fiscal year amounted to as much as \$350,000.

(6) Not exceeding one cashier or finance clerk at each first-class post-office; not exceeding one cashier and one finance clerk at each post-office where the receipts for the last preceding fiscal year amounted to as much as \$500,000; not exceeding one cashier and two finance clerks at each post-office where the receipts for the last preceding fiscal year amounted to as much as \$1,000,000, and not exceeding one cashier and three finance clerks at each post-office where the receipts for the last preceding fiscal year amounted to as much as \$2,000,000: *Provided*, That no cashier or finance clerk herein mentioned shall be excepted unless authorized by law, borne on the rolls, and regularly and actually performing the duties as such.

#### DEPARTMENT OF THE INTERIOR.

(1) One assistant attorney, who shall act for the Assistant Attorney-General during his absence or disability.

(2) The superintendent of the Hot Springs Reservation.

(3) Not exceeding one special land inspector; not exceeding three inspectors of coal mines in the Territories, and not exceeding thirty-six special agents, employed as necessity arises, for the purpose of protecting public lands, etc.

(4) Indians employed in the Indian service at large, except those employed as superintendents, teachers, teachers of industries, kindergartners, and physicians.

(5) Superintendents of warehouses, irrigation, and logging in the Indian service, and not exceeding five special Indian agents.

(6) Special agents for the allotment of land in severalty to Indians; special commissioners to negotiate with Indians; engineers to make surveys of reservation boundary lines, and surveyors at Indian agencies, and not exceeding five examiners of Indian timber lands, as necessity for their employment in each case may arise.

(7) One financial clerk at each Indian agency to act as agent during the absence or disability of the agent.

(8) All positions in the Alaska school service.

(9) Not exceeding five special pension examiners to investigate fraudulent and other pension claims of a criminal nature.

(10) All local pension examining surgeons.

(11) One chief clerk at each pension agency, who shall act for the agent during his absence or disability, and one financial clerk at each pension agency to sign checks for the agent and act as confidential clerk.

#### DEPARTMENT OF AGRICULTURE.

(1) Not exceeding, at any one time, 25 agents and experts who are temporarily appointed and employed in making investigations and furnishing information for the Department as provided by law, or under the direction of the head of the Department, which agents and experts shall be borne on the rolls as such and be actually engaged in the duties for which they were appointed and whose payment has been authorized by law.

*Provided*, That appointments to the positions named in this rule in the custom-house service and in the internal-revenue service shall be subject to an examination to be prescribed by the Secretary of the Treasury, not disapproved by the Commission, equal to the examination held by the Commission for positions of like grade. Such examination shall be conducted by the Commission in accordance with its *regulations*.

## REASONS FOR THE RECOMMENDATIONS THAT THE POSITIONS NAMED ABOVE BE EXCEPTED FROM COMPETITIVE EXAMINATION.

JUNE 30, 1898.

At the time of the promulgation of the Executive Order of May 6, 1896, the President stated to the Commission that without doubt many positions included in that order should properly be excepted from examination, but that in view of the fact that at that time it was difficult to say just which positions should be excepted, it would be better to leave further exceptions to be made in the future, from time to time, as from experience the Departments and the Commission should deem advisable. Since that date the following exceptions have been made at different times:

(1) Attorneys and assistant attorneys whose main duties are connected with the management of cases in court, November 2, 1896; (2) Assistant Secretary Smithsonian Institution, January 27, 1897; (3) one principal deputy collector at each customs subport or station; (4) one deputy collector in each internal-revenue district when the number of employees in the office of the collector exceeds four; (5) one deputy collector of internal revenue in each stamp or branch office, July 27, 1897.

(1) *Private secretaries or confidential clerks.*—Private secretaries to the heads of the several Executive Departments have always been excepted from examination. The Commission recommends the exception of positions of private secretary or confidential clerk to certain other officials, for the reason, primarily, that it is not practicable to test by competitive examination as contemplated by the law the qualifications which are essential for the proper performance of the duties of an actual private secretary or confidential clerk. Prior to May 6, 1896, there was an exception of private secretaries in general language applicable to the entire classified service. Under that form of exception the appointing officers claimed the right to appoint, and did appoint, persons as private secretaries to the position of mere clerk, and oftentimes the persons thus appointed never performed the duties of private secretary or confidential clerk at all. In other words, many positions were treated as excepted under that language which it was not contemplated would be excepted when the language making the exceptions was adopted. To cure this apparent defect the Commission recommends the exception of not exceeding one private secretary to each of certain officers, if authorized by law, borne on the rolls, and regularly and actually performing the duties as such. The recommendation of the Commission confines the exception of this position to officials who are closely associated with the shaping of the policy of the Executive Administration, and to the United States district attorneys whose duties are intimately connected with the judicial branch of the service.

In this connection attention is invited to the following extract from a recent report of three members of the Senate Committee on Civil Service and Retrenchment:

The committee appreciates the fact that private secretaries were placed in the classified service because of an abuse. Officials appointed private secretaries without ever seeing the men appointed, either before or after the appointment. But this abuse can readily be corrected. The removal of actual private secretaries from the classified list will add very much to the smoothness of administering the civil-service laws.

And also to the following extract from the report of three other members of the same committee:

Private secretaries, for whom, as such, appropriation is made by law, ought to be excluded from the classified service. \* \* \*

At the same time this exclusion, if made, ought to be carefully guarded and confined strictly to private secretaries provided for as such by law. No opportunity should be given for admitting a person nominally as private secretary and then assigning him to other duties and placing him in the classified service without examination.

(2) *Attorneys or assistant attorneys whose main duties are connected with the management of cases in court.*—These positions are now excepted, and have never been in the competitive class.

(3) *Shipping commissioners.*—The Secretary of the Treasury recommended that these positions be excepted, and in doing so he said: "The most difficult duties of shipping commissioners are semijudicial, as arbitrators between seamen and owners or masters. An examination can hardly show the existence of judicial temperament and skill in dealing with men." The Commission agreed with the Secretary that it would be difficult in any examination to demonstrate the qualities which he says are necessary to be possessed by the persons filling these positions, and in view of the further fact that there are no other positions in the classified service similar in character to these from which they could be filled by promotion or transfer, the Commission therefore agreed to the recommendation of the Secretary of the Treasury that these positions be excepted. There are only ten such positions in the entire country.

(4) *Local physicians temporarily employed as acting assistant surgeons in the Marine-Hospital Service.*—Since the classification of these positions on May 6, 1896, much difficulty has been experienced in securing eligibles who are willing to accept service for an indefinite and very temporary period—anywhere from two or three days to thirty days. These employees are only required in infrequent cases where both the regular officer of the service and the regular acting assistant surgeon are temporarily absent from duty. The Commission is informed by officers of the Marine-Hospital Service that the number of such employees never exceeds 10 or 12 at any one time.

(5 and 6) *Not exceeding one cashier in each customs district; not exceeding one chief or principal deputy or assistant collector at each customs port, and not exceeding one principal deputy collector of customs at each sub port or station.*—These positions are now excepted. The Commission, however, recommends the addition of restrictive language confining the exception of one cashier to each customs district where authorized by law, borne on the rolls, and actually and regularly performing the duties as such.

(7) *Counsel before the Board of General Appraisers at the port of New York.*—The Commission recommends this exception on the same principle upon which is based the general exception "attorneys and assistant attorneys whose main business is connected with the management of cases in court," the Board of General Appraisers being properly regarded as a court.

(8) *One paymaster in the New York customs district.*—The position of paymaster in the customs service exists only at New York, and is recommended for exception on the ground that the duties of a paymaster are similar to those of the cashier of the customs district, except that possibly they are of a more responsible character, and the position of cashier in each customs district has always been excepted.

(9) *Positions in the customs, internal revenue, and Indian school services in Alaska.*—It is the opinion of the Commission that these positions should be in the excepted list for the present, because of the difficulty and impracticability of holding examinations and securing competent persons for them in Alaska. This conclusion is reached after consultation and hearing with Dr. Sheldon Jackson and other recognized authorities on the Alaska service.

(10) *Deputy collectors of internal revenue.*—Since the classification of these positions, the Internal-Revenue Bureau, with the apparent approval of the Treasury Department, has continued to hold that section 3148 of the Revised Statutes, providing for the appointment of deputy collectors of internal revenue, authorizes collectors to make such appointments without compliance with the civil-service law and rules. On the other hand, the Commission is of opinion that there is no conflict between the provisions of the civil-service law and rules and those of section 3148 of the Revised Statutes. In view of this conflict of opinion, it is believed to be impracticable to continue these positions longer in the competitive class, and they are therefore recommended for exception.

(11) *Certain storekeepers and gaugers.*—The force of storekeepers and gaugers in the



Internal-Revenue Service, from the very conditions of that service, fluctuates from time to time. An emergency frequently arises making it necessary for an immediate expansion of this force for a period which may continue anywhere from one day to thirty days, and for this purpose persons have to be taken on who are immediately at hand. Under these conditions, the Commission believes that the exception as recommended is a proper one, on the ground of the impracticability of securing eligibles for certification, on account of the indefinite and uncertain length of employment.

(12) *Two civilian members of the board of publication in the War Records Office.*—These positions were recommended for exception for the reason that under the law governing appointment thereto selections must be made from among persons who served in the war of the rebellion in the Army of the United States, and who have actual personal knowledge of the facts in relation to the duties of their office. This would render it necessary in most instances to fill vacancies in these positions by original appointment and not by transfer or promotion, and it seems to the Commission to be impracticable to test the fitness for such a position by a competitive examination as contemplated by law.

(13) *Military park commissioners and employees.*—The position of park commissioner was recommended for exception on substantially the same grounds as mentioned in the case of civilian members of the board of publication of war records, except that in case of park commissioners the reasons are even stronger, from the fact that the law requires that no person shall be appointed who does not possess a thorough practical knowledge of the history of the battles and who did not actually participate therein. The minor employees connected with the commissions are very few in number, and the War Department states that their duties are those of a mere laborer.

(14) *Office deputy marshals.*—Field deputy marshals have never been classified. From the statement of the Department of Justice it appears that any office deputy is liable to be called upon for the duty of a field deputy, and that therefore, field deputies not being classified, office deputies should no longer remain in the competitive class. Moreover there seems to be a question whether these positions are in the Executive branch of the Government or the judicial branch, and consequently whether they are legally subject to classification. In the language recommended for this exception, however, the Commission has endeavored to limit the exception to actual bona fide deputies, as distinguished from clerks and other employees.

(15) *Assistant Attorney-General for the Post-Office Department.*—The Commission is satisfied, had it been known at the time of the order which resulted in the classification of this position that it would be classified thereby, provision would at that time have been made for its exception. The position is peculiar in this respect: All other assistant attorneys-general are appointed by the President and confirmed by the Senate, and are therefore for that reason outside the classified service under the law. To this particular position, however, of assistant attorney-general, appointment is made by the Postmaster-General. This peculiar feature was overlooked at the time of the order whereby this position was classified. For these reasons the Commission has no hesitation in recommending its exception.

(16) *One law clerk who shall act for the Assistant Attorney-General for the Post-Office Department in his absence or disability.*—In the opinion of the Commission this position comes within the general exception of attorneys who are connected with the management of cases in court, but in order that there might be no question as to this position, it was recommended that it be excepted by express language. An essential part of the duties of this position consists of aiding the Attorney-General in the preparation and presentation of cases to the courts.

(17) *Not exceeding seven post-office inspectors.*—It was represented to the Commission that in the rapid increase of the business under the Post-Office Department it is necessary in many cases which arise from time to time that the Postmaster-General have a small limited corps of persons whose only capacity should be that of close

personal representatives of the Postmaster-General. In other words, this small force of men seems to be necessary for work of a secret-service nature which it would be impracticable to assign to persons who are generally known to be in the service. For these reasons this recommendation was made.

(18) *One auditor at each of certain large post-offices.*—It is readily seen that the action of a cashier at a post-office is closely related to and dependent upon the report or action of the auditor, and the position of cashier at a post-office being excepted, it was believed by the Commission that so much the more should the position of auditor be excepted. Under the law of fixing the designations under which an appointment may be made at post-offices, the New York post-office is the only one where a position may be designated that of auditor; at the same time there is the same necessity for this sort of position at other large offices, and after consultation with the Department it seems that the most available official to be assigned to the duties of auditor at such offices is some one of the superintendents of stations. Therefore the Commission recommends the exception of not exceeding one superintendent of station, if regularly and actually assigned to act as auditor, at each post-office where the receipts for the last fiscal year amounted to as much as \$350,000.

(19) *Cashiers and finance clerks at certain post-offices.*—Cashiers at post-offices are now excepted. Under the law of fixing designations under which employment may be made at post-offices, there are some first-class offices at which the designation of cashier is not allowed, but that of finance clerk is allowed instead, with practically the same duties as are performed by a cashier. The Commission, therefore, recommends the alternate of one cashier or finance clerk at each first-class post-office. At the larger post-offices the amount of work legitimately belonging to the position of cashier or finance clerk necessitates the employment of more than one such officer. The Commission, therefore, recommends at offices where the receipts for the last fiscal year amounted to as much as \$500,000 the exception of one cashier and one finance clerk; at offices where the receipts amounted to as much as \$1,000,000, one cashier and two finance clerks; and at offices where the receipts amounted to as much as \$2,000,000, one cashier and three finance clerks. In its recommendation the Commission restricts these exceptions with the proviso that no cashier or finance clerk thus mentioned shall be excepted unless authorized by law, borne on the rolls, and regularly and actually performing the duties as such; and, as will be seen, does not recommend a general exception of all cashiers and all finance clerks, but limits the exceptions to a definite express number at certain offices.

(20) *One assistant attorney, who shall act for the Assistant Attorney-General for the Interior Department during his absence or disability.*—The Assistant Attorney-General for the Interior Department is not allowed by law a private secretary. In view of the fact that other officers of the Government of no greater importance are allowed private secretaries, it was thought that the Assistant Attorney-General should have one position excepted, and from the nature of the duties of his office it was thought best that the exception should be that of one of his assistant attorneys, who shall act for him during his absence or disability. Another consideration for this exception was that at times the Assistant Attorney-General and his first assistant may be called upon for duty in connection with the preparation and management of cases in court.

(21) *Superintendent of the Hot Springs Reservation.*—This position is of no less importance than many to which appointment is made by the President and confirmed by the Senate, and seems by its nature to belong to that class of positions to which appointment is thus made. The only other positions in the service which are in any way similar to this in character of duties are filled by Presidential appointment and confirmed by the Senate.

Therefore, there being no other positions in the classified service of a similar character, a vacancy in this position can not well be filled by a transfer from within the classified service, and hence, if not excepted, would have to be filled by original *appointment*. It is believed that the peculiar qualifications required in this position



make it impracticable to test fitness by a competitive examination under the law. There being but one such position, this exception is very unimportant in extent.

(22) *Not exceeding one special land inspector, and not exceeding three inspectors of coal mines in the Territories.*—These positions are similar in character and importance to those of mineral-land inspectors to which appointment is made by the President and confirmed by the Senate, and for this reason the Commission believes that these positions should be excepted from examination. It will be noted that these exceptions are confined in number to three.

(23) *Not exceeding thirty-six special agents employed as necessity arises for the purpose of protecting public lands, etc.*—The employment of these special agents is not only not permanent, but of very uncertain duration and at no definite period. In other words, it consists almost entirely of emergency employment of short duration from time to time, as necessity arises. On account of these conditions, this exception was recommended on the ground of the impracticability of promptly furnishing eligibles by means of an examination.

(24) *Indians employed in the Indian Service at large, other than those employed as superintendents, teachers, teachers of industries, kindergartners, and physicians.*—The employment of Indians for this class of service is now excepted from examination.

(25) *Superintendent of warehouses, irrigation, and logging in the Indian service.*—It appears that in these positions, as in other cases, the employment is uncertain in its duration and indefinite as to any particular period of the year, persons being employed for this work only as the emergency arises necessitating such employment, and with respect to these positions, as with certain others, the Commission believes that they should be excepted, because of the difficulty and the impracticability of promptly providing eligibles by means of an examination. There are but three of these positions in the service.

(26) *Not exceeding five special Indian agents.*—These five agents are the personal representatives of the Commissioner of Indian Affairs, who, at the Commissioner's direction, look into matters arising at agencies which need adjustment and report thereon directly to the Commissioner. It has been found most desirable to appoint to these positions only persons who have served in the position of Indian agent, on account of the experience thus acquired; but Indian agents are in the unclassified service under the law. Under these conditions the Commission believes that these positions should be excepted. It should be noted that these exceptions are confined to the number of five.

(27) *Special agents for the allotment of lands in severalty to Indians; special commissioners to negotiate with Indians; engineers to make surveys of reservation boundary lines and surveys at Indian agencies; and not exceeding five examiners of Indian timber lands, as necessity for their employment in each case may arise.*—The aggregate number of employments under these titles at any one time is very small, and the reasons which move the Commission to recommend the exception of superintendents of warehouses, irrigation, and logging apply with equal force to these positions, employment in them being made only from time to time as an emergency arises and for short and uncertain periods. For this reason it is very difficult to get persons to take the examination.

(28) *One financial clerk at each Indian agency to act as agent during the absence or disability of the agent.*—Indian agents are in the unclassified service, and in many cases are army officers detailed for the purpose. The Commission recommends this exception on the principle that the officer or employee should be excepted who is frequently called upon to act for the unclassified head of an important office, and consequently called upon to perform unclassified duties.

(29) *Not exceeding five special pension examiners to investigate fraudulent and other pension claims of a criminal nature.*—The reasoning upon which seven post-office inspectors were recommended for exception applies with equal and especial force to this class.

(30) *All local pension examining surgeons.*—Only a small proportion of the entire number of these positions has been classified. In the matter of the appointment of these officers, attention is invited to the following provision of section 4774, Revised Statutes: "The Commissioner of Pensions is authorized to organize, at his discretion, boards of examining surgeons not to exceed three members." It will be seen from this provision that the number of boards organized is left by law entirely to the discretion of the Commissioner of Pensions. Again, section 8, clause (a), of Rule III excludes from the classified service any person holding a position requiring only a portion of his time and attention, paying him for his personal salary only, not exceeding \$300 per annum, and permitting of his pursuing other regular business or occupation. The effect of this rule in connection with the provision of law quoted above, which gives to the Commissioner of Pensions absolute discretion and authority to organize at any place as many boards as he may elect, renders, in the opinion of the Commission, the continuance of these positions in the competitive list absolutely impracticable.

In this connection attention is invited to the following extract from a recent report signed by three members of the Senate Committee on Civil Service and Retrenchment:

In the Pension Office the committee are of the opinion that a complete revision of the system of local examining boards is necessary. As it now stands, some of the boards are in the classified service and some are not, which is in itself a very serious objection, but the trouble lies deeper than this, and requires an amendment of the pension laws. Under the present system of local boards, which are constantly being multiplied, there is no uniformity of rating, and great injustice results to the pensioners as well as injury to the Government. The boards should be constituted in such a way as to secure uniformity of rating, and should be composed of men who not only have the necessary medical training but who are also familiar with the pension laws and with the methods of the Department. For the present confused system there should be substituted boards appointed by the Commissioner within the classified service and sent out from the Department at Washington. This would secure uniformity of rating, justice to the pensioners, and economy and protection to the Government.

It should be noted that this one item covers a large number of the exceptions recommended in the Interior Department and a very considerable percentage of the total number of exceptions recommended for the entire service.

(31) *One chief clerk at each pension agency who shall act for the agent during his absence or disability.*—The reasons upon which this recommendation is based are the same as those given for the exception of one financial clerk to act for each Indian agent in his absence or disability.

(32) *One financial clerk at each pension agency to sign checks for the agent and act as confidential clerk.*—The reasons for this exception are the same as those for the exception of the cashier at a custom-house or post-office, and also for the exception of private secretaries and confidential clerks.

(33) *Not exceeding at any one time 40 agents and experts who are temporarily appointed and employed in making investigations in the Department of Agriculture.*—The reasoning for this exception is similar to that set forth for the exception of the 26 special agents in the Land Office, and for the exception of other emergency employments. It should be noted that these exceptions are limited to 40, and then only when authorized by law, borne on the rolls, and actually performing the duties, as such agents and experts.

(34) *One statistical agent in each State or Territory.*—The number of employments of this sort never exceeds about forty, and at least half of these are excluded from the classified service under the provisions of section 8, clause (a), Rule III. In making an appointment to one of these positions, it is desired to select for the purpose of furnishing the statistics required, a high State or municipal officer, or some other local person holding some prominent position. For these reasons it is naturally difficult to induce such persons to enter a competitive examination such as required

by law. Moreover, in many cases this class of employment is for only a temporary period. Under these conditions the Commission recommends this exception.

NOVEMBER 30, 1898.

Since the recommendations made in June, 1898, the Commission has made further recommendations as follows:

(35) *One cashier in the Government Printing Office and one chief clerk who is authorized by law to act for the Public Printer during his absence or disability.*—The reasons for the exception of the cashier in this office are the same as for the exception of a like official in a post-office or custom-house, where such officials have always been excepted. The reasoning set forth for the exception of an officer to act for an Indian agent, for a pension agent, etc., apply equally to the exception of the chief clerk who shall act for the Public Printer during his absence or disability. Here as in other cases the exceptions are restricted with the proviso that neither of these officials shall be excepted unless authorized by law, borne on the rolls, and actually and regularly performing the duties as such.

(36) *One chief clerk, one cashier, one deposit weigh clerk, one assistant coiner, one assistant melter and refiner, and one assistant assayer in each mint or assay office.*—The chief clerk, the assistant coiner, the assistant melter and refiner, and assistant assayer were recommended for exception upon the same reasoning which applies in the case of the exception of an assistant postmaster, chief clerk to an Indian agent, etc., these officers acting, respectively, for the superintendent, coiner, melter and refiner, and assayer during their absence or disability, and the superintendent, coiner, melter, and refiner and assayer being appointed by the President and confirmed by the Senate. In the case of the cashier and deposit weigh clerk, the same reasons for exception apply as in the case of a cashier at a post-office, custom-house, etc. It will be noted that these exceptions are restricted to cases where such officials are authorized by law, borne on the rolls, and actually and regularly performing the duties as such.

#### REMOVALS.

At the same time an amendment of *Civil-Service Rule II, section 8*, with reference to the procedure in removals, was submitted, as follows:

8. No removal shall be made from the competitive classified service except for just cause and for reasons given in writing; and the person sought to be removed shall have notice, and be furnished a copy of such reasons, and be allowed a reasonable time for personally answering the same in writing. Copy of such reasons, notice, and answer, and the order of removal shall be made a part of the records of the proper department or office; and the head of the department or office shall cause copy of the reasons, notice, and order of removal to be transmitted to the Civil Service Commission within thirty days after such order is made. The reasons for any change in rank or compensation within the competitive classified service shall be made a part of the records of the proper department or office, and a copy thereof shall be transmitted to the Civil Service Commission by the department or office within thirty days from the date of such change.



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## **PART II.**

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### **REGULATIONS GOVERNING THE CLASSIFIED SERVICE.**

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## PART II.—REGULATIONS GOVERNING THE CLASSIFIED SERVICE.

[Regulations governing examinations, mode of making application, etc., appear in the Manual of Examinations published by the Commission.]

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### GENERAL REGULATIONS.

#### MINTS AND ASSAY OFFICES.

On April 5, 1899, the following regulations to govern appointments, promotions, and transfers in United States mints and assay offices were promulgated by the Secretary of the Treasury in accordance with section 2 of Civil Service Rule XI, such regulations superseding those promulgated on November 21, 1896 (see page 144, Thirteenth Report):

TREASURY DEPARTMENT, BUREAU OF THE MINT,  
*Washington, D. C., April 5, 1899.*

The following regulations governing appointments to and promotions and transfers in the mints and assay offices are hereby promulgated *and shall be enforced on and after July 1, 1899:*

#### REGULATION I.

A board of examiners shall be designated by the United States Civil Service Commission at each mint or assay office having ten or more employees. These boards shall perform such duties as the Commission may direct in connection with examinations and registrations for appointments to and promotions in that service.

#### REGULATION II.

A vacancy in any position in the mint or assay service shall be filled preferably and in order as follows:

First. By the promotion or transfer of an employee in that service.

Second. By the transfer of a qualified person from another branch of the classified service.

Third. By selection from suitable existing registers of persons found qualified by examination or registration by the Civil Service Commission.

Fourth. By selection after examination or registration in the manner provided for by these regulations.

#### REGULATION III.

Applications for examination may be filed at any time with the board of examiners at the office in which they seek employment, and the examinations shall be held on such dates and at such places as may be fixed by the Commission; but applicants for positions subject to registration examination may register for employment at any time.

#### REGULATION IV.

Applications for examination or competitive registration, and also the medical certificates which applicants for certain positions are required to furnish in regard



to their physical condition, shall be made upon forms provided by the Commission, which may be obtained from, and must be filed with, the board of examiners at the mint or assay office in which applicants seek employment. Where there are no boards of examiners, the blanks may be obtained from and filed with the United States Civil Service Commission.

#### REGULATION V.

No application for appointment to or employment in any mint or assay office shall be accepted from any person who can not furnish satisfactory evidence as to his character and integrity, and before any such person is selected for appointment or employment further inquiry shall be made as to his character and integrity by the board of examiners, the superintendent, and the operating officer of the department in which such person is to be employed.

#### REGULATION VI.

The application of an applicant for examination or competitive registration who gives a false name or residence, or presents false certificates, or practices or attempts to practice any deception or fraud in securing his examination, registration, or appointment, shall be canceled as soon as the fact is ascertained; and, if appointed, such applicant shall be discharged from the service.

#### REGULATION VII.

No recommendation of or statement concerning an applicant, competitor, eligible or employee, involving any disclosure of his political or religious opinions or affiliations, shall be received, filed, or considered, by the Commission, by any board of examiners, or by any nominating or appointing officer.

#### REGULATION VIII.

For convenient reference, the positions in the mint and assay service shall be arranged in the following schedules:

Excepted positions .....	Schedule A.
Scientific positions .....	Schedule B.
Clerical positions.....	Schedule C.
Mechanical trade or other skilled positions.....	Schedule D.
Positions below classification.....	Schedule E.

Original appointments to the mint and assay service to positions in the general schedules shall be made as follows:

To positions in Schedule A, after nomination by the superintendent and the operating officer and an educational test of fitness.

To positions in Schedules B and C, after competitive examinations, but without registration examination.

To positions in Schedule D, after an educational test of fitness and registration examination.

To positions in Schedule E, after a simple educational test, or such other test of fitness as may be prescribed by the Treasury Department, as these positions are not in the classified service.

#### REGULATION IX.

The following-named positions are excepted from competitive examination or registration by the civil-service rules, and vacancies therein may be filled by persons nominated by the superintendent or the operating officer, provided such persons

have passed the noncompetitive examination prescribed by the Commission after consultation with the proper officers of the Treasury Department:

EXCEPTED POSITIONS.—SCHEDULE A.<sup>1</sup>

- General Department.*—Chief clerk, who is designated by law to act for the superintendent during his absence or disability, cashier, private secretary, deposit weigh clerk.
- Coiner's Department.*—Assistant coiner.
- Melter and Refiner's Department.*—Assistant melter and refiner.
- Assayer's Department.*—Assistant assayer.

TESTS OF FITNESS.

The test of fitness for appointment to an excepted position shall embrace the following subjects with the relative weights as indicated:  
The practical tests or questions shall be such as the Director of the Mint may determine upon as necessary for the position to be filled.

	Relative weight.
Spelling .....	5
Arithmetic .....	25
Letter writing .....	15
Penmanship .....	5
Practical tests or questions.....	50
Total .....	100

REGULATION X.

Vacancies in any of the following-named positions in Schedule B, requiring persons of scientific attainments, shall be filled either by promotions from positions within the schedule upon any test of fitness determined upon by the superintendent and the operating officer, or by selections from certifications of eligibles from competitive examinations by the Civil Service Commission:

SCIENTIFIC POSITIONS.—SCHEDULE B.

- |   |   |
|---|---|
| Foreman in melting and refining department. | Die makers.   |
| Refiner.                                    | Chemist.  |
| Assistant assayer.                          | Foreman of laboratory.                                |
| Second assistant assayer.                   | Foreman of deposit melting.                           |
| Third assistant assayer.                    | Assistant foreman in melting and refining department. |
| Weighers in assayer's department.           |   |
| Engravers.                                  |   |

TEST OF FITNESS.

The test of fitness for original appointment to a scientific place shall embrace the following subjects, with the relative weights as indicated:

	Relative weight.
Spelling .....	5
Arithmetic .....	5
Letter writing.....	10
Penmanship .....	5
Practical tests or questions.....	75
Total .....	100

<sup>1</sup>This list of positions was inserted in the regulation after the amendment of the rules by the President on May 29, 1899.

REGULATION XI.

Vacancies in any of the following-named positions in Schedule C, requiring persons of clerical attainments, shall be filled either by promotions from positions within the schedule upon any test of fitness determined upon by the superintendent and the operating officer, or by selections from certifications of eligibles from competitive examinations by the Civil Service Commission :

CLERICAL POSITIONS.—SCHEDULE C.

Abstract clerks.	Medal clerks.
Assayers' computation clerks.	Pay clerks.
Assistant bookkeepers.	Registrar clerks.
Assistant curators.	Registrars of accounts.
Assistant inspectors.	Registrars of deposits.
Assistant weigh clerks.	Shipping clerks.
Bank messengers.	Statistical clerks.
Bookkeepers.	Storekeepers.
Cashiers' clerks.	Time clerks.
Clerks.	Warrant clerks.
Copyists.	Weigh clerks.
Inspectors.	

The examinations by the Civil Service Commission to test the fitness of persons for original appointments to clerical positions shall consist of the following-named subjects of the clerk examination, and also of an exercise in the elements of accounts, with the relative weights as indicated :

*Spelling* consisting of twenty words selected.

*Arithmetic* consisting of the fundamental rules, addition, fractions, percentage, interest, discount, and analysis.

*Letter writing* consisting of a test in the use of the English language for use in business correspondence.

*Penmanship* consisting of a rating of legibility, rapidity, neatness, and general appearance.

*Copying from plain copy* consisting of an exercise in making an exact copy of a few printed lines.

*Elements of accounts* consisting of an exercise in stating business transactions in the form of an account.

	Relative weight.
Spelling.....	10
Arithmetic .....	25
Letter writing .....	25
Penmanship . . . . .	10
Copying from plain copy.....	15
Elements of accounts .....	15
Total.....	100

REGULATION XII.

The following-named positions are subject to competitive registration after an educational examination; but promotions within the schedule may be made upon any tests of fitness determined upon by the superintendent and the operating officer. Original appointments therein shall be made to the proper grade and to the lowest position of the grade, provided that a vacancy in any position requiring the exercise of technical or professional knowledge may be filled by original appointment. The list shall be open for applicants to register at any time after they have passed a simple educational examination, which may be taken at any time, wherever there are local boards for this service. Where there are no such local boards, applicants will be examined and registered only on the occurrence of a vacancy. The names of those who have registered during any month shall be entered on the lists with their respective ratings on the first of the succeeding month in the order of their standing.

MECHANICAL TRADES OR OTHER SKILLED POSITIONS.—SCHEDULE D.

Adjusters.	Foreman of carpenters.
Adjusters and reviewers.	Foreman of cleaners.
Annalers.	Foreman of coining room.
Assistant custodians.	Foreman of deposit melting room.
Assistant engineers.	Foreman of laborers.
Assistant inspectors.	Foreman of rolling room.
Assistant weighers.	Forewoman of adjusters.
Assistant foreman of coining room.	Gas fitter.
Assistant foreman of melting and refining department.	Gate keepers.
Assistant foreman of rolling room.	Gold boilers.
Assistant forewoman of adjusters.	Helpers in assayer's department.
Assistants in acid room.	Helpers in coiner's department.
Blacksmiths.	Helpers in melting and refining department.
Bullion samplers.	Inspectors.
Carpenter.	Janitors.
Captain of watch.	Laboratory helpers.
Chief doorkeeper.	Machinists.
Classified laborers.	Melters and assistant melters of all kinds.
Classified workmen.	Messengers.
Cleaners.	Millwrights.
Conductors.	Minor coin counters.
Counters.	Oiler.
Cutters.	Painter.
Deposit melter.	Plumber.
Employees in sweep cellar.	Provers.
Engineers.	Rollers.
Fireman.	Sewing women.
Foreman in acid room.	Silver reducers.
Foreman in assayer's department.	Skilled workmen in assayer's department.
	Watchmen.

TESTS OF FITNESS—PART I.—EDUCATIONAL TEST.

The preliminary examination by the local board to test the educational fitness of persons for original appointment to the above positions shall include the following subjects, with the relative weights indicated in the accompanying table:

*Letter writing.*—Test in the use of the English language for ordinary correspondence.

*Arithmetic.*—Tests in addition, subtraction, multiplication, and division of whole numbers as used in simple problems, and of United States money.

*Plain copy.*—Test to be the exact copy of a few printed lines, in the handwriting of the competitor.

*Penmanship.*—To be marked on the legibility, neatness, and general appearance of the competitor's handwriting as shown by the *plain copy*.

	Relative weight.
Letter writing.....	30
Arithmetic.....	40
Plain copy.....	20
Penmanship.....	10
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Total.....	100

PART II.—REGISTRATION TEST.

Applicants who pass the educational test and who desire to register shall furnish statements (on the forms prescribed by the Civil Service Commission) in reference to the trade or occupation for which they wish to register, together with certificates from persons for whom or with whom they have worked at the trade or occupation for which they wish to register.

The following elements shall be considered in rating persons who desire to register, with relative weights as indicated in the accompanying table:

*Age.*—An applicant who is over 25 and not exceeding 45 years of age shall be given a maximum credit of 100 for age. All applicants less than 25 or more than 45 years of age will receive a mark proportionately less than 100.

*Character as workman.*—An applicant will be required to furnish evidence as to the quality of work he is capable of performing, his ability as a *rapid* or *slow* workman, and his record as to *habits* of industry and carefulness in connection with his trade or occupation. In the consideration of these points an applicant will be rated according to the following plan:

*For quality.*—If a poor workman, 70 or less; if an average workman, 70 to 85; and if an exceptionally good workman, 85 to 100.

*For quantity.*—If his production is small in quantity, 70 or less; if it is an average quantity, 70 to 85; and if it is exceptionally large in quantity, 85 to 100.

*For industry and carefulness.*—If he lacks industry or is inattentive or lacks punctuality, 70 or less; if he has the reputation for average industry, attention, and punctuality, 70 to 85; if he is exceptionally industrious, attentive, and punctual, 85 to 100.

*Range of experience.*—An applicant who has served the regular period of apprenticeship required by his trade and has thus acquired the status of journeyman, shall be given a mark of 70 for range of experience. For each full year's experience as a journeyman, to and including two years, on the various branches of his trade, he shall be given a mark of 10 in addition to 70; and for each full year's experience over two and not exceeding seven years on the various branches of his trade, he shall be given a mark of 2 in addition to 90. For seven or more years' experience as journeyman on the various branches of his trade, a maximum mark of 100 shall be given.

Graduates of reputable schools where technical instruction is given in the mechanical industries may submit evidence of graduation in lieu of service as an apprentice and be given a mark of 75 for range of experience. For each full year's experience of such graduate as journeyman in the various branches of his trade, to and including two years, he shall be given a mark of 10 in addition to 75; and for each full year's experience in the various branches of his trade over two and not exceeding four years, he shall be given a mark of 2 in addition to 95. For five or more years' experience in the various branches of his trade as a journeyman, a maximum mark of 100 shall be given.

*Physical qualifications.*—An applicant whose application and vouchers show him to have no physical defects or disqualifications for the trade for which he desires to be examined shall receive a mark of 100 for physical qualifications. An applicant whose application or vouchers show any physical defects which may impair his efficiency in the practice of the trade for which he wishes to be examined will have a proportionate deduction made from 100, according to the nature of the defect or disqualification, and the remaining mark will be his mark for physical qualifications.

*Mints and assay offices.*—*Proposed credits for age in mechanical trades registration.*

Age.	Credit.	Age.	Credit.	Age.	Credit.
Twenty .....	95	Fifty-one .....	93	Sixty-two .....	62
Twenty-one .....	96	Fifty-two .....	91	Sixty-three .....	58
Twenty-two .....	97	Fifty-three .....	89	Sixty-four .....	54
Twenty-three .....	98	Fifty-four .....	87	Sixty-five .....	50
Twenty-four .....	99	Fifty-five .....	85	Sixty-six .....	46
Twenty-five to forty-five	100	Fifty-six .....	82	Sixty-seven .....	31
Forty-six .....	99	Fifty-seven .....	79	Sixty-eight .....	26
Forty-seven .....	98	Fifty-eight .....	76	Sixty-nine .....	10
Forty-eight .....	97	Fifty-nine .....	73	Seventy .....	0
Forty-nine .....	96	Sixty .....	70		
Fifty .....	95	Sixty-one .....	66		

Subjects and weights of competitive registration.

	Relative weight.
Age.....	1
Character as a workman.....	4
Experience as a workman .....	4
Physical qualifications.....	1
Total .....	10

FINAL RATING FOR REGISTRATION—PARTS I AND II COMBINED.

An applicant who fails to obtain a mark of 70 in either the educational or competitive registration tests shall not have his name entered upon the register of eligibles.

Applicants who attain 70 or more in both the educational and the competitive registration tests shall be averaged finally as follows:

	Relative weight.
Part I, Educational tests .....	30
Part II, Registration tests.....	70
Total .....	100

REGULATION XIII.

Any classified position in the mint and assay service not included in any of the foregoing schedules by designation, or any classified position created hereafter, may be assigned to such schedule of classified positions as in the opinion of the superintendent and the operating officer it should, by the nature of the work, properly belong. A classified position in one schedule may, on the recommendation of the Director of the Mint, be transferred to any other schedule of classified positions when such transfer would be in the interest of the service.

REGULATION XIV.

POSITIONS BELOW THE CLASSIFIED SERVICE.—SCHEDULE E.

Positions below the classified service, or the positions filled by persons merely employed as laborers or workmen, shall not be subject to competitive examination or registration by the Civil Service Commission, but the Treasury Department requires that no person shall be appointed to or be employed in an unclassified position or on unclassified work who can not read and write the English language and who does not furnish satisfactory and rigid tests of character and integrity based upon certificates furnished by former employers and others.

REGULATION XV.

For the purpose of filling a vacancy which can not be suitably filled by promotion, transfer, or reinstatement, certification shall be made of the names of the highest three eligibles on the appropriate register, and from this certification a selection shall be made in accordance with the civil-service rules.

REGULATION XVI.

No person habitually using intoxicating beverages to excess shall be appointed to or retained in any position in any mint or assay office.

REGULATION XVII.

No officer in any mint or assay office shall dismiss or cause to be dismissed, or make any attempt to procure the dismissal of, or in any manner change the official rank or compensation of any person therein because of his political or religious opinions or affiliations.

**REGULATION XVIII.**

In making removals or reductions, or in imposing punishment for delinquency or misconduct, penalties like in character shall be imposed for like offenses, and action thereupon shall be taken irrespective of the political or religious opinions or affiliations of the offenders.

**REGULATION XIX.**

A person holding a position on the date said position is classified under the civil-service act shall be entitled to all the rights and benefits possessed by persons of the same class or grade appointed upon examination under the provisions of said act, these regulations, or the prior regulations.

**REGULATION XX.**

The provisions of the civil-service act relative to political assessments shall be strictly observed.

Approved:

**GEORGE E. ROBERTS,**  
*Director of the Mint.*

Approved:

**L. J. GAGE,**  
*Secretary of the Treasury.*

Approved by order of the United States Civil Service Commission:

**JOHN R. PROCTER,**  
*President.*

**APRIL 3, 1899.**

**NAVY-YARDS.**

[See Executive order concerning navy-yard regulations and resolution of the Civil Service Commission adopting such regulations, at page 69.]

Workmen employed at navy-yards were brought under the civil-service rules promulgated May 6, 1896, and the regulations then in force governing their employment were adopted as regulations of the Civil Service Commission on July 29, 1896. On November 2, 1896, by order of the President, it was declared that no modification of the regulations then existing should be made without the approval of the Civil Service Commission.

The original regulations promulgated by Secretary Tracy in 1891 have been revised, and those at present in force bear date of November 16, 1895. Minor changes have been made since that time. The regulations provide for the creation of a board of labor employment at each navy-yard and station, such board to be responsible for "the proper, effectual, and impartial enforcement" of the regulations governing the employment of labor at navy-yards, prepared by the Department. Regular meetings of the board are required to be held, a record kept of the proceedings, and an annual report submitted to the Department on September 15 of each year, with such suggestions as the board deems expedient.

No applicant is permitted to be registered unless he furnishes satisfactory evidence that he is a citizen of the United States, or has served in the Army, Navy, or Marine Corps, and that his discharge or discharges therefrom were not dishonorable or for bad conduct. Before entering the name of an applicant such further inquiry may be made in regard to his character and capacity as the board may deem practicable or expedient; and any applicant who has been convicted of crime, misdemeanor, or vagrancy may, in the discretion of the board, be refused registration. Should an applicant be found, in the opinion of the board, unfit to perform the service which he seeks, his name is not permitted to be entered upon the register, and the reason therefor is required to be indorsed on his application. It is further required that the recorder shall note on each application a brief personal description of the applicant; that the prescribed certificates presented by each applicant shall be placed on file with his application in an envelope bearing his registration number. The



applications and certificates shall be retained as a permanent record; that no certificates, other than those filed at the date of registration, shall be received or required subsequent to entry of the applicant's name on the register, except as otherwise provided, and that any applicant for employment who gives a false name or residence, or presents false certificates, or secures registration or employment through false representations, shall be discharged, and his name permanently removed from the register, as soon as the fact is ascertained.

The force of workmen at the various navy-yards is classified as follows:

Schedule A.—Unskilled labor.

Schedule B.—Skilled labor.

Schedule C.—Foremen, quartermen in charge, and other men in charge.

Schedule D.—Special employments.

The following are some of the more important regulations:

#### WHO MAY BE EMPLOYED.

No persons other than workmen of trades specified in the latest approved quarterly schedule of wages shall be employed at any navy-yard, except upon a written appointment from the Secretary of the Navy, or by his approval in writing.

Whenever a necessity arises for workmen in trades not named in the quarterly schedule of wages approved for the yard, or for a more specific designation or classification under any trade, or for any other change in the schedule of authorized trades, the fact shall be reported by the head of the department concerned to the commandant, and by him referred to the Department, with a statement of the reason therefor. When approved by the Department, the new trades shall be added to the schedule, and registration therein shall begin as applicants present themselves; but no change shall be made in the trade schedule without such approval.

#### REGISTRATION.

No applicant shall be registered under more than one schedule, nor in more than one occupation or trade at the same time, but if a registered applicant desires to have his name dropped from the eligible list, he may, by application to the labor board in writing, do so, and then register anew at the bottom of the list in another trade, provided he complies with the requirements for registration in the same manner as if he had not been registered.

The registration of "boys" shall be confined exclusively to boys to be employed on manual labor not suitable for men.

The occupations and trades in Schedules A and B shall be divided into four classes, designated as first class, second class, third class, fourth class, with pay graded accordingly as determined in the latest quarterly schedule of wages for each yard, the fourth class being the lowest.

Applicants in any trade under Schedule B may register at their option as follows:

- (1) For the first class only.
- (2) For the three lower classes without distinction.
- (3) For the trade generally, without reference to class.

Applicants in any occupation or trade in Schedule A shall be registered for the occupation or trade generally and without reference to class.

An applicant to be registered for employment in an occupation or trade in Schedule A or B must present in person to the board of labor employment, at the navy-yard in which he desires employment, an application, and evidence to establish his capacity for the work he desires, his character and habits of industry and sobriety.

#### FORMS.

The board will furnish prescribed blank forms (Navy-Yard Orders, Forms 17, 18, 19, 20, 21, and 22) to enable applicants to carry out the provisions of this paragraph. Form 17, *the application*, to be filled out and signed by the applicant.

Form 18, a statement of the applicant's service in the Army, Navy, or Marine Corps of the United States, to be presented and signed by an applicant who shows to the board of labor employment, when presenting his application, an honorable discharge from or a certificate of service in one or more of the said armed branches of the Government.

Form 19, a character certificate, which must be signed by a reputable citizen of the applicant's locality, testifying to the latter's character and habits of industry and sobriety.

Form 20, a trade certificate, which must be signed by a firm or member thereof, superintendent, master workman, or other person under whom the applicant has worked at the trade in which he applies for employment, certifying to his capacity in said trade and to his character and habits of industry and sobriety, and the person who so certifies must specifically state that he has employed the applicant in the trade for which he recommends him. If this certificate is signed by a foreman, quartermaster, or other employee of a navy-yard, it shall not be accepted.

Form 21, a certificate which must be signed by the head of department of a navy-yard under whom the applicant served in the trade in which he applies for employment, testifying to his knowledge of the trade, and stating that his workmanship and conduct while so employed were "excellent," "good," or "poor," as the case may be.

If the certificate states that the recipient's workmanship and conduct were both "excellent," or that his workmanship was "excellent" and conduct "good," he shall be entitled to preference under Clause II of paragraph 31.

If the certificate states that the recipient's workmanship was "good," and that his conduct was "excellent" or "good," he shall be entitled to register under Clause III, but not under Clause II of paragraph 31.

If the certificate states that either the recipient's workmanship or conduct was "poor," he shall not be entitled to register within a period of one year from the date of his last discharge, at the expiration of which time he may be admitted to registration under Clause III, but not under Clause II of paragraph 31.

Form 22, a discharge card, which must be signed by the head of department of a navy-yard under whom the recipient served. If such discharge card states that the recipient's workmanship and conduct were both "excellent," or that his workmanship was "excellent" and conduct "good," the recipient is entitled to register as a preferred applicant in the order of registration next after veterans (Clause II, paragraph 31).

If such discharge card states that the recipient's general workmanship was "good," and general conduct "excellent" or "good," he is entitled to register under Clause III, but not under Clause II of paragraph 31; thus he shall not be given preference in certification over applicants who have not worked in a navy-yard.

If such discharge card states that either the general workmanship or conduct of the recipient was "poor," he shall not be entitled to register within a period of one year from the date of his last discharge, at the expiration of which time he may be admitted to registration under Clause III, but not under Clause II of paragraph 31.

If such discharge card states that the recipient was discharged for carelessness, indolence, intemperance, insubordination, or causes of like character, the recipient shall be excluded from registration for six months, at the expiration of which time, if his general workmanship was "excellent" or "good," he may be admitted to registration under Clause III, but not under Clause II of paragraph 31, if, in the opinion of the labor board, his application merits favorable consideration.

#### PERIOD OF ELIGIBILITY.

The term of eligibility, for certification by the board, of a registered applicant shall be one year from the date on which the name of the applicant is entered upon the register, and the name of a registered applicant shall then be dropped from the register unless he presents to the labor board during the last month of the term of

his eligibility a request in writing (Navy-Yard Orders, Form 29) that his name and number be continued on the list. When this is done his term of eligibility shall be extended for one year, and this extension may be renewed each succeeding year in the manner above described, but shall not carry with it an extension of the period during which preference is given for "excellent" workmanship.

An applicant having on file a certificate from the head of department under whom he served stating that he gave satisfaction in navy-yard work while so employed, or presenting or having on file a discharge card (Navy-Yard Orders, Form 9), may be reregistered under a new number by filling out Navy-Yard Orders, Form 17, whereupon the labor board shall file the above-mentioned certificate or discharge card with the new application, and note in writing and place in the old jacket of the applicant the following memorandum: "Certificate of navy-yard experience filed with new application No. —," but no one so reregistered shall hereafter be given preference under Clause II, paragraph 31, unless the said certificate, or the "Return of Discharges" of the same date as the discharge card on file, shows that his workmanship was "excellent" and conduct not less than "good."

#### ORDER OF CERTIFICATION AND MODE OF SELECTION.

The following is the order of certification observed:

Clause I.—(a) Veterans of the war of the rebellion and those who served in the naval or military service of the United States during the Spanish-American war in foreign waters or on foreign soil who were subsequently honorably discharged.

(b) Those who served in the naval or military service of the United States during the war of the rebellion who did not reach the front and who were subsequently honorably discharged, and those who served in home waters or on home soil—not at the front—in the naval or military service of the United States during the Spanish-American war and who were subsequently honorably discharged.

(c) Those who have served in the Navy or Marine Corps since the war of the rebellion for a period of twelve years or more, exclusive of apprentice service, and who were honorably discharged therefrom.

(d) Those who have served in the naval or military service of the United States since the war of the rebellion and have been honorably discharged therefrom by reason of disability resulting from wounds or sickness incurred in the line of duty.

Clause II.—(a) Those who have given satisfaction in navy-yard work in the same or in an allied trade to that for which requisition is made, and who present certificates or discharge cards from the head of department under whom they severally served, showing that their workmanship was "excellent" and conduct not less than "good."

(b) Those who have served in the Navy or Marine Corps for a period of six years or more, exclusive of apprentice service, in the same or in an allied trade to that for which requisition is made and whose honorable discharges or continuous-service certificates show that they are proficient in their respective ratings and that their average conduct is marked 4 or better.

Clause III.—All others on the register.

The mode of selection shall be as follows: Requisition having been made for a number of men of a given trade, the names of all under (a) of Clause I, paragraph 31 (veterans), registered in that trade shall be first taken, beginning with the first veteran on the list at the date of making the certification, in the order of registration, and ending with the last.

Next shall be taken the names of all under (b) of Clause I, paragraph 31, registered in the trade in the order of registration, beginning with the first on the list and ending with the last.

Next shall be taken the names of all under (c) of Clause I, paragraph 31, registered in the trade in the order of registration, beginning with the first on the list and ending with the last.

Next shall be taken the names of all under (d) of Clause I, paragraph 31, registered in the trade in the order of registration, beginning with the first on the list and ending with the last.

Next shall be taken the names of all of Clause II, paragraph 31, registered in the trade in the order of registration, beginning with the first on the list and ending with the last; but a special preference shall always be given to those persons who have received serious bodily injury while under employment at the yard, provided that their previous record at the yard was "good;" that they are capable of doing good work, and that their employment shall not involve loss to the Government.

Next shall be taken the names of all of Clause III, paragraph 31, registered in the trade, beginning with the first on the list and taking the names in the order of registration until the requisition is filled.

This course shall be pursued with every requisition, and no departure shall be made from the order of registration in the clauses named, nor shall any names of men registered be excluded or passed over, except in the case of the special requisitions hereinafter mentioned (paragraphs 39, 41, 46), nor shall any discrimination be exercised by the board of labor employment in regard to men who have been admitted to registration.

#### REQUISITIONS FOR LABOR—CERTIFICATIONS OF LABOR.

When the services of laborers or mechanics are required in any department, the head of the department shall make, through the commandant, and subject to his approval, a requisition (Navy-Yard Orders, Form 6) upon the board, specifying the kind of service for which they are wanted and the number in each occupation or trade required. This requisition must only call for employees of the trades specified in the quarterly schedule of wages approved by the Department for each yard. Upon the receipt of such requisition the recorder, under the direction of the board, shall send to the officer making the requisition the number of names called for, if the register contains so many, and at the same time he shall notify each person selected to report at the office of the labor board on or before a fixed date, due regard being given to the time required for the notice to reach its destination and for the applicant to report, and upon reporting and being identified as the person to whom the notice to report was sent, the recorder will stamp the notice (postal card) with the office receiving stamp, give the applicant a copy of Navy-Yard Orders, Form 23, and direct him to report to the head of department to which he has been certified.

Where work requires a high degree of skill, heads of departments are authorized to make a special requisition "for workmen, first-class." But no such requisition shall be approved by the commandant unless, upon examination, he is fully satisfied that such qualification is necessary for the work in question.

Before certified applicants are taken on, the head of department shall make such test of their qualifications as will enable him to grade them provisionally and to ascertain if they are suitable for the work, and no person certified on a special requisition shall be taken on except as a first-class workman, and then only when the test made by the head of the department shows him entitled to be graded, provisionally, first class. Candidates favorably passed upon once may be passed on their record at subsequent certifications.

The head of the department shall then send to the board a "return of certified labor," containing the list of names as certified, with a statement of the provisional ratings of those employed; the causes of rejection, in the case of those rejected as unsuitable for the work, and whether any failed to respond at the time designated or declined the appointment. Those who fail to respond, unless they can give satisfactory reasons, and those who refuse work shall be dropped from the register; but this shall not prevent their filing a new application, which shall be duly considered by the board.

## EMPLOYEES' PROMOTIONS—REDUCTIONS.

Such promotions and reductions, from one class to another in the same trade, as are required from time to time by the capacity of the employees and the needs of the service shall be made by the head of the department, with the commandant's approval, and written notice (Navy-Yard Orders, Form 8) shall be immediately sent to the board of labor employment, and the latter shall note the fact on the trade cards.

Helpers in specified trades under Schedule A, as approved for each navy-yard, are to be considered as in the line of promotion in the trade for which they have been registered as helpers. When they have shown the necessary capacity in the trade in question, and the labor board's list of mechanics in the trade in which they have been registered as helpers is exhausted, they may be promoted to fill vacancies.

Promotions and reratings of employees shall depend only upon the needs of the service, their proficiency, industry, regularity of attendance, interest shown in the work, quality of work, and good conduct, but no promotions or reratings shall be made in any occupation or trade in Schedules A or B, except those provided for in paragraphs 50, 51, 52, 54 of the order, without the approval of the Secretary of the Navy.

When by reason of want of work at any navy-yard reductions are made in the force of workmen, which involve a corresponding reduction in the superintending force, the head of the department shall report the changes he deems necessary in the latter force, with a recommendation in each case, having reference to individual qualifications, but adhering always to the rule that a foreman, quartermaster, or leadingman whose services are no longer required in his grade shall be given priority for retention in the next lower grade. This report shall be forwarded by the commandant with his recommendations to the Department for its action. (Navy-Yard Orders, Form 16.)

As an incentive to the performance of duty, employees previously rated as quartermasters or leadingmen, and who have been or who shall hereafter be reduced in rating to first-class mechanics without fault of their own, shall for a period of one year after such reduction in rating be given preference for retention when a reduction of the force becomes necessary because of lack of work, etc., provided that in the judgment of the head of department their services and conduct entitle them to be retained.

Commandants of navy-yards are authorized to grant to per diem employees, laborers, and mechanics leave of absence without pay for a period not exceeding thirty days in any one year, provided that when discharges of laborers and mechanics become necessary from lack of work, lack of funds, etc., the efficiency of the persons who are absent on leave shall be considered in making reductions, in accordance with the provisions of paragraphs 62 and 63 of the order, in the same manner as if they were at work. Applications shall be forwarded to the commandant through the head of department, and leave of absence shall not be granted to any person for the purpose of avoiding discharge because of lack of work, lack of funds, etc.

## DISCHARGES.

When discharges are necessary from want of work, they shall be made on Navy-Yard Orders, Form 7, by the head of the department, subject to the approval of the commandant, and those whose services are of the least value shall be first dispensed with.

The head of each department shall be personally responsible for the performance of the duties enjoined upon him by the preceding paragraph, and it shall be his duty to familiarize himself from time to time, so far as may be, with the quality of the services rendered by each workman, in order that he may *himself* decide upon discharges.



It shall be the duty of the quartermaster or, where there is no quartermaster, of the leadingman to report in writing immediately to the foreman any mechanic or laborer under his direction who is inefficient, irregular in attendance, intemperate, indolent, or the character of whose work or conduct is unsatisfactory in any other respect. It shall be the duty of the foreman to take such measures as may be necessary to see that the quartermen perform this duty, and any quartermaster found negligent in this respect or guilty of any favoritism or partiality shall be disgraced or discharged.

Upon receipt of such report from a quartermaster the foreman shall look into the case and forward the report, with his recommendation indorsed thereon, to the head of the department.

The head of the department shall examine the case, and if, in his opinion, any further action than a warning is necessary he shall submit the report, with his recommendation indorsed thereon, to the commandant, who may at his discretion order the suspension, disgracing, or discharge of the workman, as in his judgment will best promote the interests of the Government, and then forward the report, with his action indorsed thereon, through the head of department, to the labor board. The board shall note the fact on the trade card of the workman and file the report.

When by reason of want of work at any navy-yard it becomes necessary to reduce the force, employees entitled to have their workmanship and conduct both rated as "excellent" may, upon the recommendation of the head of department, be furloughed by the commandant for a period not longer than ten days, if, in the opinion of the commandant, it is deemed best for the interest of the service.

All such furloughs, if for a period of more than three days, together with the cause thereof and the number of workmen affected thereby, will be immediately reported to the Department for its information. Such furloughs shall not be extended beyond the period above named (ten days), except with the Department's approval in writing.

#### EXAMINATIONS FOR FOREMAN, QUARTERMASTER-IN-CHARGE, ETC.

Whenever a position in Schedule C shall become vacant, the commandant shall immediately report the fact to the Navy Department, which will cause public notice by advertisement to be given as soon as practicable, and will convene a board of officers, with a recorder, to hold a competitive examination to fill the vacancy. The notice shall state the day of the examination.

The examination shall be open to all comers who can give satisfactory evidence of experience in conducting the kind of work in which they seek employment, and who are citizens of the United States. Persons holding positions at the yard shall be admitted to competition on the same footing as the other applicants.

The examination shall be practical in character, having reference exclusively to the requirements of the position to be filled. It shall be directed to ascertain the applicant's knowledge of his business and his possession of the qualities that will enable him to get good work out of his men.

The applicant's antecedents and experience in his trade, as well as the character of his previous work, shall be duly considered by the board in making its recommendations.

The board shall make sufficient inquiry to ascertain that the applicants recommended are physically fit for the work; that they have enough education to make the required reports, estimates, and calculations; that they are of reputable character and of sober and industrious habits, and that they have not been convicted of such crime or misdemeanor as would render their employment undesirable.

At the close of the examination, the board shall make a report, through the commandant, to the Secretary of the Navy, showing the comparative merit of the applicants for each vacancy and designating for appointment the name of the individual who, in its opinion, is best qualified for the place. The record of the proceedings of *the board*, with all applications, certificates, and other papers, shall be filed in the *file of the board of labor employment*.

## SPECIAL EMPLOYMENTS (SCHEDULE D).

Special employments (Schedule D) shall comprise those forms of labor which can not be classified under any of the ordinary trades.

Persons appointed to special employment shall be of two ratings:

I. Special mechanics.

II. Special laborers.

Each rating shall consist of four classes—first, second, third, and fourth, according to the rate of pay—which shall be fixed by the Department.

Heads of departments at yards requiring the services of a special mechanic or special laborer shall notify the board of labor employment, stating the character of the work required and the reason therefor. If, in the opinion of the board, the work described can not advantageously be classified under either of the trade schedules (A and B) and can not be supplied by the method of registration, they shall indorse the notification to that effect and transmit it to the commandant, to be forwarded with his recommendation to the Secretary of the Navy for action. Before making the recommendation the commandant shall satisfy himself as to whether the special employee is really needed.

When a vacancy occurs in any position under Schedule D, from any cause whatever, the head of the department in which the vacancy occurs shall immediately report the fact to the commandant of the yard, who shall forward it to the Secretary of the Navy direct.

The attention of commandants, under whose supervision the board of labor employment and the heads of departments perform the duties herein prescribed, is called to the fact that every man whose name has once been admitted to the register is entitled to be certified when his name has been reached, and that every man whose name has been certified is entitled to a fair and impartial trial from the head of the department. Commandants will be held strictly responsible for the execution of this order.

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PROMOTION REGULATIONS.

AUTHORITY FOR THE ESTABLISHMENT OF PROMOTION  
REGULATIONS.

Section 7 of the civil-service act provides that no officer or clerk shall be promoted in any of the classes arranged in the classification of a department until he has passed an examination, or is shown to be specially exempted from such examination, in conformity with the act. No person may therefore be legally promoted in the classified service until he has passed an examination, or until it is shown that he is properly exempt therefrom. It will be observed that no classified clerk or employee who is not *specially* exempted in conformity with the provisions of the act can legally be promoted without examination. In other words, exemption from examination for promotion is not intended to be made general. It is the intention of the law that, to be eligible for promotion to any class or place, the applicant must have shown fitness on examination appropriate for that class or place.

In an opinion of November 9, 1883, the Attorney-General discussed the subject of classification and promotion in the departmental service. He stated that by the acts of March 3, 1853, chapter 97, and March 3, 1855, chapter 175, the permanent clerical force in each of the Executive Departments was required to be arranged into four classes, designated as 1, 2, 3, and 4, for each of which classes a different rate of compensation was prescribed. Since the adoption of that classification, which at first embraced the entire clerical force of the departments except the chief clerks of the departments and of *bureaus and offices* therein, and clerks temporarily employed,



Congress has, from time to time, as the exigencies of the public service required, not only increased that force by providing for additional clerkships of the several *classes* above named, but by providing for the employment of clerks who can not (according to the terms of the statute authorizing their employment) be deemed to fall within any of the classes mentioned—some at salaries above the highest, others at salaries below the lowest, compensation allowed for any of those classes.

Although these clerkships do not belong to any of the classes enumerated in section 163, Revised Statutes, the Attorney-General decided that they nevertheless came within the scope of the civil-service act and might be classified thereunder for the purpose of the examination of applicants contemplated thereby, into one or more classes distinct from those enumerated, should this be thought expedient. He further decided, in regard to original entrance to the service, that there was nothing in the civil-service act which confined it to any particular class or grade; that authority was given to the President by section 1753, Revised Statutes, to prescribe regulations for the *admission* of persons into the civil service; and that under the authority so conferred original entry might be restricted to one or more of the classes or grades, or be allowed to all of them. Referring to the law of 1853, requiring examinations for appointment any of the four classes then established, the Attorney-General stated that this requirement applied as well to cases of promotion as to cases of original appointment in the service. The civil-service act preserved the requirement of an examination in order to be promoted to any class, as well as to enter therein by an original appointment, and adduced the general rule to be “that to be eligible for appointment to any class (whether by way of promotion or otherwise) the applicant must have passed an examination for the purpose of testing his fitness for the place.”

Civil-Service Rule XI provides that in pursuance of the requirements of section 7 of the act competitive tests or examinations shall, as far as practicable and useful, be established to test fitness for promotion in *any part* of the classified civil service. That rule further provides that the details regulating promotions shall be formulated by the Commission. Acting under this authority the Commission, on June 22, 1896, adopted the special regulations governing promotions from subordinate grades to the clerk or copyist grades.

#### ADOPTION OF REGULATIONS.

In its first report, in 1884, the Commission said that the need of caution in making great changes which a new system involved, together with the fact that the Commission had too much work at the outset, were perhaps in themselves adequate reasons for not dealing at once with the difficult subject of promotions. In the second report it stated that the observations of another year had shown more conclusively the need of interposing some examination or test, both to secure to the most meritorious their proper claims to advancement as opportunities occur, and also to shut out the solicitations and influence of outside parties from securing or attempting to secure promotions without merit. It added that it had become obvious that notwithstanding the difficulty of devising a system which should give merit its just reward, and shall yet leave the appointing officer his full right and responsibility for his office, some rules upon the subject of promotion by examination ought to be promulgated at the earliest day practicable.

In its third report the Commission again stated the need of promotion rules and the reasons for failure to provide such rules. The difficulties suggested in the early reports still embarrass and retard the Commission in its efforts to carry into effect the requirements of the law and to adapt the new system to the needs of the service. It is still impossible to give the subject the time needed for adequate consideration, and it is still necessary to observe caution in making the great changes which the new system involves. The recent progress in establishing promotion regulations is *described elsewhere* in this report.

Rule XI, clause 4, of the civil-service rules adopted May 6, 1896, provide that until promotion regulations have been adopted for any office, promotions therein may be made upon any test of fitness not disapproved by the Commission which may be determined upon by the promoting officer. This amendment was adopted for the purpose of conforming to the requirement of an examination for promotion made by section 7 of the civil-service act. The test of fitness required by the rule must be a test made in accordance with law, and therefore every test of fitness for promotion must be made by examination. It follows that all promotions in the classified service must be made upon fitness tested by examination provided either by the Commission in regulations or by the promoting officer. In view of this requirement the Commission requires that in making reports to it under Rule XII, clause 2, a statement be made showing that the requirement of an examination has been observed.

The civil service act and civil-service Rule III exempt from the requirement of classification persons "*merely* employed as laborers or workmen." An inquiry made by the Commission of the departments on February 12, 1894, showed that about seventy-five persons then designated as laborers or workmen were performing clerical duty contrary to the act and the order of classification of June 29, 1888. The amended classification of the departments made June 10, 1896, brings within the classified service "*all positions* whose occupants are designated as laborers or workmen, and who were, prior to May 6, 1896, and are now, regularly assigned to work of the same grade as that performed by classified employees," and it forbids the assignment of persons appointed without examination as mere laborers or workmen to work of the same grade as that performed by classified employees. The object of these provisions is that the classification shall be construed as based upon the character of duty performed, and not upon inaccurate and misleading designations, evading the requirement of an examination. In an order of June 29, 1888, the President, in effect, declared that no person employed as a laborer, etc., should be assigned to clerical duty. The order did not vest any discretion in the head of a Department to make such assignment, temporarily or permanently, for the good of the service or otherwise; and if such assignment might be made in one case on the plea of the good of the service it may be made in any number of like cases on the same plea, and the prohibition would be without effect. To admit in any case that a person appointed as a laborer without examination and certification might be assigned to the performance of clerical duty, would be to confuse the proper line of distinction between the classified and the unclassified service, and would permit a return to the flagrant abuses which the order was intended to remedy.

It was these abuses which compelled the adoption by Presidents Arthur and Cleveland (in his first Administration) of rules allowing promotions through non-competitive examinations from the unclassified to the classified service. The operation during the three years of the prohibition in the order of classification enabled President Harrison to revoke this provision in the rules made by his two predecessors. The revival of the practice of assigning persons contrary to law to the work of places requiring an examination has again given rise to precisely the condition of affairs which the order of June 29, 1888, was intended to remedy. President Cleveland in his first Administration, and again in his last Administration, as also President Harrison, by Executive order, endeavored to prevent a recurrence of the abuses under the earlier classification, and the Commission must confidently count upon the active support of the heads of departments to see that the order, which has now been in existence since 1888, forbidding the performance of clerical work by persons below the classified service, shall at last be observed.

With a view of ultimately applying regulations for promotion throughout the service the Commission has undertaken examinations for promotion from subordinate grades to the clerical grades.

## WHO MAY BE EXAMINED FOR PROMOTION TO THE CLERICAL GRADES.

Rule XI, governing promotion, prescribes two broad principles by which to decide eligibility for promotions of this kind. The first is that of apportionment, and in respect to this the Commission holds that persons in the departmental service at Washington, appointed under examination and certification, without regard to the apportionment, may be transferred or promoted to places to which the requirement of apportionment applies only when having a legal residence in a State which has not received an excess of appointments under the apportionment rule. The transfer of persons appointed from the skilled-laborer registers must be confined within certain prescribed limits. This is necessary in view of the character of the examinations for these grades and the conditions governing appointments to them. Persons entering these positions are examined and appointed without regard to the apportionment of appointments by States, all other positions in the departments at Washington being subject to the apportionment. In respect to this class of positions, therefore, the Commission makes the following regulations:

A person appointed from the printer's assistant or the skilled-helper register in the Bureau of Engraving and Printing may be promoted at any time after absolute appointment to the grade of operative in that Bureau, preference in promotion to be given to those longest in the service who have been faithful and efficient. A printer's assistant or skilled helper who has been absolutely appointed, or an operative in the Bureau of Engraving and Printing, may be transferred and appointed to the position of feeder or to the position of separator in the Office of the Treasurer of the United States; and a feeder or separator in that office may in like manner be transferred and appointed to any grade in the Bureau of Engraving and Printing below that of copyist. Employees in the Bureau of Engraving and Printing below the grade of copyist, and feeders and separators in the office of the Treasurer of the United States, shall not be eligible for promotion or transfer to any other positions than as herein specified. An exception to these provisions was allowed by a special regulation during the war with Spain.

As appointments to these mechanical grades are made without geographical distribution by States, a very large proportion of the persons appointed are residents of the District of Columbia and the adjoining States, and their transfer or promotion to the clerical grades to which appointments are apportioned, to the extent to which it would be carried, would increase the appointments from these States and District, already largely in excess of the proportion to which they are fairly entitled, and thus defeat an equitable apportionment among the States and Territories. It should be borne in mind that the persons thus excluded from promotion or transfer to the clerical grades are not denied any right or privilege to which they are fairly entitled. It is simply that they shall not be given a privilege to which they are not entitled. If they desire to become clerks, they have the same right to compete for an appointment as other citizens who have not been in the civil service. In view of the character of the service, the conditions under which it must be rendered, the small compensation paid, and, in the Bureau of Engraving and Printing, the fact that women are the employees, it was thought not only impracticable to apportion these appointments among the States and Territories, but that it would be contrary to public policy to attempt it. These places, which are of a semi-mechanical character, can not, therefore, be made entrance places to the higher grades of the service, but are to be kept distinct from them. If persons appointed to these places could be advanced to the clerical grades, it would violate the principle of open competition and disarrange the apportionment.

Under the rules of May 6, 1896, there have been included within the classified departmental service all places and employments, of whatever name or description, whether *compensated* by a fixed annual salary, by a per diem allowance, by an allowance

made in the discretion of the head of the Department from a lump sum, or otherwise, the occupants of which are not employed merely as workmen or laborers. In the view of the Commission these descriptive terms of exclusion should be strictly construed, in order that the interpretation may be uniform, and for the guidance of the departments and all concerned, only those places being treated as outside the classification the occupants of which are by designation and duty mere laborers or workmen.

The second principle established by the rules forbidding transfers from mechanical places, filled without regard to the apportionment, to the clerical grades, where the apportionment prevails, is that transfers and promotions must be in the same line of work.

The heads of the several Departments have furnished to the Commission a list of all the places and employments which have heretofore been regarded and treated by them as outside the classified service, but which, in accordance with the new rules and order of classification, must hereafter be regarded as within the classified service, together with the names, designations, compensation, and dates of appointment or employment of all the persons now serving in said places or employments. Such persons are regarded and treated as in the classified service and eligible for promotion in accordance with the new promotion regulations.

#### WHO MAY BE EXAMINED FOR PROMOTION.

Only such persons are admitted to the promotion examinations whose names shall appear upon the lists furnished by the Departments of persons brought within the classified service by the order of classification of June 10, 1896.

#### APPOINTMENTS TO VACANCIES IN SUBORDINATE GRADES RESULTING FROM VACANCIES CAUSED BY PROMOTION.

It will be noticed that under the terms of the new order of classification not merely the persons designated as laborers doing clerical work are brought within the classified service, but their *positions* are classified. Vacancies which may occur by the promotion of the classified laborers may only legally be filled upon examination and certification under the civil-service rules.

There needs to be a clear line of distinction between the classified and the unclassified service. The order of classification of June 29, 1888, was intended to clearly separate the work of laborers from that of clerks. If this could be carried out in practice it would not then result in a claim for promotion from the unclassified to the classified service by reason of experience and capability required in the outside class. It has been common in the departments to appoint men and women to the positions of messenger, watchman, or laborer, and assign them to clerical duty; in many cases not because their services were needed as clerks, but because their appointments had been secured through influence, and they were unsuited for the legitimate duties of the positions to which they were appointed, or were unwilling to discharge those duties. The breaking up of this practice is an important measure of reform. If the departments now allow laborers and workmen to do work other than that which falls strictly within those designations it will simply result in reviving the old evil which the different Presidents have intended to remedy. Places which are to be treated as having been classified under the last order of the President must not be filled from outside the classified service or there will be a return of the old evils. When a classified laborer is promoted the Commission is notified of the promotion and of the manner in which the resulting vacancy is filled, so that the record may show that appointments of this kind are made strictly in accordance with law. It is the practice in some parts of the service to fill all places of laborers through examination and certification under the civil-service rules. The officers state that they find great relief in this method, as it enables

them to promote persons thus appointed as laborers without further examination, besides relieving the department of the importunity and pressure incident to such appointments from the outside.

### PROMOTION FROM NONCLERICAL TO CLERICAL GRADES.

The object of the promotion regulations for this purpose, adopted June 22, 1896, is to give the occupants of the subordinate places a reasonable opportunity for promotion if they possess the requisite educational qualifications, and, on the other hand, to protect the higher grades of the service from the promotion of persons not properly qualified to perform the duties of the higher grade places. President Cleveland, in January, 1895, declined to approve a rule submitted to him allowing promotion of messengers. He said:

After a good deal of consideration I can not make myself believe that messengers, etc., should be subject to the promotions provided for. The theory of the amendment may not be amiss, but I am confident that in practice we should have in the messenger, etc., grade persons who entered it for the purpose of promotion, and who would be looking for that instead of striving to perform well the work assigned. Every messenger and every watchman, after two years' service and examination, backed and supported by Senators and Representatives, would make it very uncomfortable for the head of his Department until he obtained the increased salary he coveted; and in the meantime he would make a very poor messenger and watchman.

I am certain the proposed amendments would increase the perplexities of the executive officers of the Government without any compensation in the way of better public service.

There is a radical difference between the subordinate places of messenger, watchman, etc., and those of clerks and copyists, the difference extending to the qualifications required as well as to the duties to be performed, and the former places can not be relied upon or made an absolute dependence for filling all vacancies in the latter places. Wide latitude in allowing promotions to the clerk grade would make entrance to that grade quite universal through the lowest grades. Such a policy would result in deterioration of the higher grades. On the other hand, there are a few persons in these lower grades who by education and experience are fitted to occupy clerical positions; but the avenues of advancement open to them should not be made so wide as to permit the inclusion of persons whose term of service has been too brief to give assurance of suitable experience, to give scope to improper influences, and to bring into the higher grades persons who are lacking in education, intellectual force, and capacity for promotion. A further difficulty is pointed out in the memorandum of President Cleveland, in that persons who would enter the lower grades for the purpose of promotion would be looking for that instead of striving to perform well the work assigned. Persons who are trained to clerical duties do not as a rule render satisfactory service as skilled laborers, messengers, and watchmen.

In view of these considerations the promotion regulations provide three leading conditions:

1. Two years' service.
2. Minimum limitation of 20 years of age.
3. Certification in the order of grade of the eligibles in the same manner as for original entrance to the service.

Service of two years is required before admission to the promotion examination, partly because the minimum age for the clerical grades is 20 years and the minimum age for the lower grades, in most cases, 18 years. If a shorter period were fixed it would afford to some opportunities for promotion which others would not enjoy because of the age limits prescribed.

Promotion regulations for advancement from the messenger, etc., to the clerk grade need to be carefully guarded. As a rule they all work badly. Those who secure promotions are generally greatly inferior to those appointed through open competitive examinations from the outside. They are a distinctly inferior class to *those who take the open competitive examinations*, and obtain much lower percentages in the examinations. They show to a marked extent a lower intellectual grade.



## DEPARTMENTAL SERVICE.

## REGULATIONS GOVERNING PROMOTION FROM POSITIONS BELOW THE GRADE OF CLERK OR COPYIST TO GRADES EQUAL TO THE GRADE OF CLERK OR COPYIST.

(Adopted June 22, 1896.)

## REGULATION I.

No employee hitherto designated as a laborer and brought into the classified service by the Executive order of May 6, 1896, and no person holding any other subordinate position below the grade of clerk or copyist shall be promoted to the grade of clerk or copyist until the Civil Service Commission certifies that he is eligible from an examination equal in grade to the examination required for original entrance to the position to which the promotion is proposed.

## REGULATION II.

Competitive examinations shall be provided in accordance with Rule XI for promotions from subordinate positions in the departmental service to grades equal to the grade of clerk or copyist. Until provision is made for ascertaining the office record of competitors in the manner hereinafter provided, the examination shall consist of the clerk-copyist examination or one equal to it in grade.

## REGULATION III.

After service of two years any person who is more than 20 years of age and who occupies a subordinate position, the entrance examination for which is below the grade of clerk-copyist, may file an application with the Commission for promotion, in form and manner to be prescribed, and may be examined. The names of such competitors who obtain a general average of 70 per cent or over shall be entered upon a register of eligibles from which certification for promotions shall be made to the lowest class in the grade for which examined, upon request of the head of the Department, in the same manner as for original entrance to the service. A separate register of eligibles shall be kept for each Department, or the Commission may keep separate registers for one or more bureaus of a Department when requested by such Department.

## REGULATION IV.

Prior to each promotion examination the head of the Department for which the examination is to be held shall furnish a report of the office record of each applicant for promotion, in form and manner to be prescribed by the Commission, from which the relative efficiency of competitors shall be ascertained in accordance with the rules adopted for that purpose. The efficiency record shall be a part of each promotion examination: *Provided*, That until such records are available the efficiency record may be omitted.

On August 28, 1897, the above regulations were amended by the following order:

*“Ordered*, That the limitation of eligibility of one year shall not apply to persons who pass any examination for departmental promotion, and such persons shall be considered as eligible for promotion at the grade attained in the examination, unless they shall request a reexamination at the end of the year for the purpose of improving said grade, in which event they shall, if they pass, be entered upon the register with the new grade attained; but if they fail, they shall be dropped from the register, and will not be allowed a reexamination within one year.

*“It is also ordered* that a person on the eligible register for such promotion shall be entitled to certification as long as he remains on said register, unless after being three times certified the appointing officer shall object in writing to a further consideration of that person's name, in which event said person shall only be certified upon the withdrawal of the objection of the appointing officer.”

REGULATIONS GOVERNING PROMOTION IN THE OFFICE OF THE  
UNITED STATES CIVIL SERVICE COMMISSION.

In pursuance of the requirement of section 7 of the civil-service act, and in conformity with Rule XI of the civil-service rules, promulgated by the President on the 6th day of May, 1896, the following regulations governing promotions in the force of the Civil Service Commission are hereby promulgated:

## REGULATION I.

All vacancies above those in the lowest class of any grade not filled by reinstatement, transfer, or reduction shall be filled by promotion: *Provided*, That if there is no person eligible for promotion, or if the vacant position requires the exercise of technical or professional knowledge, it may be filled through certification from the eligible registers.

## REGULATION II.

1. No person shall be promoted to any grade from which he is barred by the age limitations prescribed by the civil-service rules.

2. No person whose record of efficiency is below 85 per cent of the possible maximum rating of his class or grade shall be eligible for promotion.

3. No person occupying a position below the grade of clerk-copyist shall be promoted to that grade until he shall have been employed two years in the departmental service and shall have passed, with an average percentage of 70 or over, the examination prescribed by the Commission: *Provided*, That persons appointed to subordinate grades through certification from the clerk-copyist or equivalent registers may be promoted to the grade of clerk-copyist at any time after appointment.

## REGULATION III.

1. An examination into the relative efficiency of employees, as shown by the efficiency record hereinafter provided for, and such further tests as the Commission may deem necessary, shall constitute an examination for promotion. No person except as hereinafter provided shall be eligible for promotion until he shall have passed such an examination.

2. Examinations for promotion shall be conducted by the board of promotion at such times as may be fixed by the Commission.

## REGULATION IV.

1. The chief of each division shall keep a record of the efficiency of all employees under his supervision.

2. The record of efficiency shall be kept on such forms as may be prescribed by the Commission, and shall embrace the elements which are essential to a fair and accurate determination of the relative merits of employees.

3. A record of those eligible for promotion shall be kept by the board of promotion. The board shall have access to efficiency records, and may at any time call for a transcript of the same.

4. The efficiency records shall be open to the inspection of all employees. If an employee questions his efficiency rating he may appeal in writing to the board of promotion. If the board does not sustain the chief of the division a full report of the case shall be filed by the board with the Commission for its decision.

FEBRUARY 4, 1897.



## TREASURY DEPARTMENT.

## BUREAU OF ENGRAVING AND PRINTING.

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,  
Washington, D. C., February 20, 1897.

*Regulation 1.* The force of employees in the Bureau of Engraving and Printing, with compensation at a rate less than \$900 per annum, excepting clerks and those employees on what is known as the "salary roll," whose compensation is specifically appropriated for by law, shall be separate and distinct in its classification under civil-service rules from the classified service of the Treasury Department proper, but this shall not be construed as taking said force from the control of, and subject to, other rules and regulations made and provided by the Secretary of the Treasury for said Bureau.

*Regulation 2.* Printers' assistants may be promoted at any time after absolute appointment, but not before, to the grade of operative, preference being given to those longest in the service who have been found faithful and efficient and are qualified for such promotion. The same principle shall govern in the advancement of operatives, skilled helpers, and all other employees within the classified service from one grade of compensation to another.

*Regulation 3.* Operatives and other employees within the classified service may be transferred and appointed as counters and examiners of paper, money counters, feeders and separators, but to no other position in the Treasury Department.

*Regulation 4.* Promotions from the grade of operatives, skilled helper, and all other employees within the classified service to the grade of minor clerk with compensation at a rate less than \$900 per annum in the Bureau of Engraving and Printing may be made upon any test of fitness determined upon by the Secretary of the Treasury, not disapproved by the Civil Service Commission.

*Regulation 5.\** A transfer or promotion [of an employee] shall not be made from any grade in the nonapportioned force of the Bureau of Engraving and Printing, or from the grades of feeder or separator in the office of the Treasurer of the United States, counter and examiner of paper, or money counter, who has been or may be hereafter, transferred from the nonapportionment force of the Bureau of Engraving and Printing to any position subject to such apportionment: *Provided*, That transfer or promotion may be made from the following-named positions, which are considered to be within the regular classified service of the Treasury Department and subject to the apportionment: Director of the Bureau, Assistant Director of the Bureau, accountant, stenographer, one clerk of class 4, three clerks of class 3, two clerks of class 2, nine clerks of class 1, four clerks at \$1,000, three clerks at \$939, and two assistant messengers.

Approved:

J. G. CARLISLE, *Secretary.*

Approved February 20, 1897.

By direction of the Commission:

JOHN R. PROCTER,  
*President United States Civil Service Commission.*

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\*The practice of the Commission permits a modification of this regulation. See section 3, side-heading "Transfer," at page 249, title "Decisions of the Commission."

## POST-OFFICE DEPARTMENT.

## THE DEPARTMENT PROPER.

In pursuance of the requirements of section 7 of the civil-service act, and in conformity with Rule XI of the civil-service rules, promulgated by the President on the 6th day of May, 1896, the following regulations governing promotions in the departmental service of the Post-Office Department in the District of Columbia have been formulated by the Civil Service Commission after consultation with the Postmaster-General, and are hereby promulgated.

## REGULATION I.

1. All vacancies above those in the lowest class of any grade not filled by reinstatement, transfer, or reduction shall be filled by promotion: *Provided*, That if there is no person eligible for promotion, or if the vacant position requires the exercise of technical or professional knowledge, it may be filled through certification from the Civil Service Commission.

2. Except as above provided, a vacancy in any class up to and including class 4, shall be filled by the promotion of an eligible in the next lower class of the same bureau. When such vacancy exists, the board of promotion shall certify to the Postmaster-General the names of the highest three eligibles in the bureau, and from these names the Postmaster-General shall make his selection: *Provided*, That if there shall be in the bureau less than three eligibles in the class next below that in which the vacancy exists, the board of promotion shall certify in addition as many of the highest eligibles in the corresponding class of the other bureaus as may be necessary to make full certification.

3. When a vacancy exists in class 5, the board of promotion shall certify to the Postmaster-General the names and efficiency records of all eligibles of class 4 in the Department, from which the Postmaster-General may make a selection: *Provided*, That if there is attached to the vacant position a salary of more than \$2,000 per annum, the names of all persons in class 5 who are eligible for promotion shall be first certified.

4. When a vacancy exists in class 6, the Postmaster-General may promote any person from class 5 whom he may consider qualified.

## REGULATION II.

1. No person shall be promoted to any grade from which he is barred by the age limitations prescribed by the civil-service rules.

2. No person whose record of efficiency is below 85 per cent of the possible maximum rating of his class or grade shall be eligible for promotion.

3. No person occupying a position below the grade of clerk-copyist shall be promoted to that grade until he shall have been employed two years in the departmental service and shall have passed, with an average percentage of 70 or over, the examination prescribed by the Commission.

## REGULATION III.

1. An examination into the relative efficiency of employees, as shown by the efficiency record hereinafter provided for and such further tests as the Commission may deem necessary, shall constitute an examination for promotion. No person, except as hereinafter provided, shall be eligible for promotion until he shall have passed such an examination.

2. Examinations for promotion shall be conducted by the board of promotion at *such times as may be fixed by the Commission.*

**REGULATION IV.**

1. The chief clerk of each bureau, under the direction of the head thereof, shall keep a record of the efficiency of all employees under his supervision, and a similar record of employees not assigned to any bureau shall be kept by the chief clerk of the Department.

2. The record of efficiency shall be kept on such forms as may be prescribed by the Commission after consultation with the Postmaster-General, and shall embrace the elements which are essential to a fair and accurate determination of the relative merits of employees.

3. A record of those eligible for promotion shall be kept by the board of promotion. The board shall have access to efficiency records and may at any time call for a transcript of the same.

4. The efficiency records of employees shall at all times be open to their inspection. If an employee questions his efficiency rating, he may appeal in writing to the board of promotion. If the board does not sustain the chief clerk of the bureau, the question shall be referred to the head thereof, and a full report of the case shall be filed by the board with the Commission.

**RAILWAY MAIL SERVICE.****CLERKS.**

In pursuance of the requirements of Section VII of the civil-service act, and in conformity with Civil Service Rule XI, promulgated by the President on the 6th day of May, 1896, the following regulations governing promotions in the Railway Mail Service have been formulated by the Civil Service Commission, after consultation with the Postmaster-General, and are hereby promulgated:

**REGULATION I.**

The General Superintendent, the assistant general superintendent, and the chief clerk of the Railway Mail Service shall constitute the board of promotion, subject to the provisions of section 3 of Civil Service Rule XI.

**REGULATION II.**

For the purpose of defining the order of promotion under these regulations the officers and employees shall be classified as follows:

The classification up to and including class 4 shall be as provided in section 890 of the Postal Laws and Regulations of 1893.

Class 5a shall include clerks in charge of full railway post-offices, clerks assigned to duty as examiners, scheme clerks, record clerks, corresponding clerks, etc., receiving salaries of \$1,300 or over but less than \$1,400 per annum.

Class 5b shall include clerks receiving salaries of \$1,400 and assigned to duty as chief clerks, chief clerks at large, chief clerks in charge of lines, examiners, scheme clerks, and clerks detailed to duty in the office of the General Superintendent.

Class 6 shall include all assistant superintendents.

Class 7 shall include the assistant general superintendent, superintendents of divisions, and the chief clerk in the office of the General Superintendent.

Class 8 shall include the General Superintendent.

**REGULATION III.**

1. All vacancies above those in the lowest class not filled by reinstatement, transfer, or reduction shall be filled by promotion: *Provided*, That if there is no person eligible for promotion, or if the vacant position requires the exercise of technical or professional knowledge, it may be filled through certification from the Civil Service Commission.

2. A vacancy in any class except the lowest, up to and including class 5a, shall be filled by the promotion of an eligible from the next lower class of the same railway post-office. When a vacancy exists the board of promotion shall certify to the Postmaster-General the names of the highest three eligibles and from these names a selection shall be made: *Provided*, That if there shall be in the same railway post-office less than three eligibles in the class next below that in which the vacancy exists, and if the Postmaster-General shall require a full certification, the board of promotion shall certify, in addition, as many as necessary of the highest eligibles in the corresponding class of the connecting or adjacent railway post-office in the same division whose clerks, by reason of the character of the mail handled therein, are, in the opinion of the board, best qualified.

3. A vacancy in any class except the lowest, up to and including class 5a in an office other than a railway post-office, shall be filled by the promotion of an eligible from the next lower class of the same office. When such vacancy exists the board of promotion shall certify to the Postmaster-General the names of the highest three eligibles, and from these names a selection shall be made: *Provided*, That if there shall be in the same office less than three eligibles in the class next below that in which the vacancy exists, and if the Postmaster-General shall require a full certification, the board of promotion shall certify, in addition, as many as necessary of the highest eligibles in the corresponding class of the railway post-offices in the same division.

4. When a vacancy exists in class 5b, the board of promotion shall certify to the Postmaster-General the names of the highest three eligibles in class 5a in the division in which the vacancy exists, and from these names the Postmaster-General shall make his selection: *Provided*, That if there shall be in the division less than three eligibles in class 5a, and if the Postmaster-General requires a full certification, the board of promotion shall, in order to make a full certification, certify in addition as many as necessary of the highest eligibles in the corresponding class in the other divisions.

5. When a vacancy exists in class 6, the board of promotion shall certify to the Postmaster-General the names of the highest three eligibles in class 5b in the division in which the vacancy exists, and from these names the Postmaster-General shall make his selection: *Provided*, That if there shall be in the division less than three eligibles in class 5b, and if the Postmaster-General requires a full certification, the board of promotion shall, in order to make a full certification, certify in addition as many as necessary of the highest eligibles in the corresponding class in the other divisions: *And provided further*, That if the duties to be performed in the vacant position be not confined to any division, the board of promotion shall certify the three eligibles in the service who, in the opinion of the board, are best qualified for the duties to be performed and for the responsibilities of the office. Clerks detailed to the office of the General Superintendent shall be considered for promotion in the divisions from which they are detailed.

6. When a vacancy exists in class 7, the board of promotion shall certify to the Postmaster-General the names of the three eligibles in class 6 who are best qualified for the duties to be performed and for the responsibilities of the office, and from these names the Postmaster-General shall make his selection.

7. When a vacancy exists in class 8, the Postmaster-General shall promote any person from the next lower class whom he may consider qualified.

#### REGULATION IV.

1. No clerk below class 5a shall be eligible for promotion who has not passed examinations on the States or cities he is required to be examined upon with a standing of 95 per cent or better, within three years next preceding the date of the vacancy; and to determine his eligibility his last examination on each State shall alone be considered.

2. No person shall be promoted by detail or transfer to a position which may be filled by the promotion of an employee who is eligible under these regulations.

REGULATION V.

1. The case examination and car record of a clerk shall constitute the examination for promotion to any position in a railway post-office. No reexamination shall be required for promotion to higher positions, eligibility for promotion being determined by the board of promotion, after considering such qualities as judgment, character, ability, and general qualifications of the persons competing. Records of efficiency and case examinations shall be made in such manner and on such forms as may be prescribed by the board of promotion, after consultation with the Postmaster-General, and shall embrace the elements which are essential to a fair and accurate determination of relative merit.

2. When, in the opinion of the board of promotion, the qualifications of eligibles are practically equal, they shall be certified in the order of their appointment to the class and line, or office, to which they are assigned.

FEBRUARY 6, 1897.

GRADE OF PORTER TO THE GRADE OF RAILWAY MAIL CLERK.

1. Competitive examinations shall be held at such times and places as the Civil Service Commission may direct, after consultation with the General Superintendent, for the promotion of porters to the grade of clerk in the Railway Mail Service. The examination shall be the same as for original entrance to the grade of railway mail clerk.

2. Any person who has served continuously for a period of two years in the position of porter in the Railway Mail Service, and who is between the ages of 18 and 35, may file an application for promotion and be examined.

3. The names of porters who pass the promotion examination shall be entered upon promotion registers for the States in which they claim legal residence. Whenever a vacancy in the grade of clerk exists in any State which the General Superintendent of the Railway Mail Service desires to fill by the promotion of a porter, requisition shall be made on the Civil Service Commission for the certification of the names of the three eligibles standing highest on the register for the State in which the vacancy exists, one of whom shall be selected to fill the vacancy.

4. Porters who are promoted to the grade of clerk shall be assigned to the foot of the substitute clerk list, but the eligible selected and promoted may continue to serve as porter until he is assigned to a regular position in the order of his rank as substitute clerk.

Adopted by the direction of the Commission.

JOHN R. PROCTER,  
*President United States Civil Service Commission.*

FEBRUARY 13, 1897.

NAVY DEPARTMENT.<sup>1</sup>

WASHINGTON, D. C., *March 26, 1897.*

In pursuance of the requirements of section 7 of the civil-service act, and in conformity with Rule XI of the civil-service rules, promulgated by the President on the sixth day of May, 1896, the following regulations governing promotions in the departmental service of the Navy Department have been formulated by the Civil Service Commission, after consultation with the Secretary of the Navy, and are hereby promulgated.

<sup>1</sup> See Executive order concerning navy-yard regulations, and resolution of the Civil Service Commission adopting such regulations, at page 69.

## 114 FIFTEENTH REPORT OF CIVIL SERVICE COMMISSION.

1. All vacancies above those in the lowest class of any grade not filled by reinstatement, transfer, or reduction shall be filled by promotion: *Provided*, That if there is no person eligible for promotion, or if the vacant position requires the exercise of technical or professional knowledge, it may be filled through certification from the Civil Service Commission: *Provided further*, That if a vacancy occurs in a position requiring exceptional or technical qualifications, and the board of promotion shall find that there is no eligible in the class next below that in which the vacancy exists who possesses the required qualifications, but that there are one or more persons in some lower class or classes who possess such qualifications, and that the interests of the service require the promotion of one of those persons to the vacant position, then the board of promotion, after such tests of fitness as the Commission may prescribe, shall certify to the Secretary of the Navy, from the highest class or classes in which such persons are serving, the names of the three persons, if there are so many, having the required qualifications, who are rated highest in efficiency, or a lesser number if there are not so many as three in the Department.

2. Except as above provided, a vacancy in any class up to and including class 4 shall be filled by the promotion of an eligible from the next lower class of the same bureau or office. When such vacancy exists, the board of promotion shall certify to the Secretary of the Navy the names of the highest three eligibles in the bureau or office, and from these names the Secretary of the Navy shall make his selection: *Provided*, That if there shall be in the bureau or office less than three eligibles in the class next below that in which the vacancy exists, and the Secretary of the Navy shall require a full certification, the board of promotion shall certify in addition as many of the highest eligibles in the corresponding class of the other bureaus or offices as may be necessary to make full certification.

3. When a vacancy exists in class 5, to which is attached a salary of \$2,000 per annum, the board of promotion shall first certify to the Secretary of the Navy the names and efficiency records of all chief clerks of bureaus or offices in the Department, and the Secretary of the Navy may promote to such vacancy any one of such persons whom he may consider qualified: *Provided*, That if the Secretary of the Navy so desires, the board of promotion shall also certify to him the names and efficiency records of all eligibles of class 4 in the Department, from which he may make a selection.

4. When a vacancy exists in class 5, to which is attached a salary of more than \$2,000 per annum, or a vacancy exists in class 6, the Secretary of the Navy may promote to such vacancy any person in class 5, or any chief clerk of bureau or office in the Department whom he may consider qualified.

5. No person shall be promoted to any grade from which he is barred by the age limitations prescribed by the civil-service rules.

6. No person whose record of efficiency is below 85 per cent of the possible maximum rating of his class or grade shall be eligible for promotion.

7. No person occupying a position below the grade of clerk-copyist shall be promoted to that grade until he shall have been employed two years in the departmental service and shall have passed, with an average percentage of 70 or over, the examination prescribed by the Commission.

8. An examination into the relative efficiency of employees, as shown by the efficiency record hereinafter provided for, and such further tests as the Commission may deem necessary, shall constitute an examination for promotion. No person, except as hereinafter provided, shall be eligible for promotion until he shall have passed such an examination.

9. Examinations for promotion shall be conducted by the board of promotion at such times as may be fixed by the Commission.

10. The chief clerk of each bureau or office, under the direction of the head thereof, shall keep a record of the efficiency of all employees under his supervision, and a similar record of employees not assigned to any bureau shall be kept by the chief clerk of the Department.



11. The record of efficiency shall be kept on such forms as may be prescribed by the Commission, after consultation with the Secretary of the Navy, and shall embrace the elements which are essential to a fair and accurate determination of the relative merits of employees.

12. A record of those eligible for promotion shall be kept by the board of promotion. The board shall have access to efficiency records and may at any time call for a transcript of the same.

13. The efficiency records of employees shall at all times be open to their inspection. If an employee questions his efficiency rating, he may appeal in writing to the board of promotion. If the board does not sustain the chief clerk of the bureau or office, the question shall be referred to the head thereof and a full report of the case shall be filed by the board with the Commission.

JOHN D. LONG, *Secretary.*

UNITED STATES CIVIL SERVICE COMMISSION,  
*Washington, D. C., March 26, 1897.*

Approved.

By direction of the Commission :

JOHN R. PROCTER, *President.*

INSTRUCTIONS RELATIVE TO MARKING EFFICIENCY, OFFICE  
HABITS, ETC.

NAVY DEPARTMENT, *Washington, D. C., March 26, 1897.*

In determining the actual efficiency of an employee, or the value of his services, five elements are considered: (1) Character of work, or the degree of its importance; (2) quality of work, or the degree of its excellence; (3) quantity of work, or the amount performed; (4) office habits, or punctuality, application, and conduct; (5) attendance, or the number of days' service rendered.

Reports of efficiency are made semiannually, but certification for promotion is based upon the average actual efficiency for the year next preceding the six months in which the certification is made, or for such lesser period as the employee may have served.

*Character of work.*—This element is given a weight of 3. A fixed mark or credit will be given for character of work according to its difficulty and importance. For this purpose the following marks will be used:

SUPERVISORY WORK.

- 1. Supervisory work of a routine character, involving no original thought, consideration, or investigation.....Mark 75
- 2. Supervisory work of a routine character, involving some original thought, consideration, or investigation.....Mark 85
- 3. Supervisory work not of a routine character, involving much original thought, consideration, or investigation.....Mark 100

CLERICAL WORK.

- 1. Clerical work of a routine character, requiring care and accuracy, but no special skill or judgment.....Mark 50
- 2. Clerical work of a routine character, involving no original thought or consideration, but requiring some skill as well as judgment.....Mark 60
- 3. Clerical work of a routine character, involving some original thought, consideration, or investigation.....Mark 70
- 4. Clerical work of a routine character, involving some original thought, consideration, or investigation, and requiring special clerical ability.....Mark 80
- 5. Clerical work not of a routine character, involving much original thought, consideration, or investigation, and requiring the highest order of clerical ability.....Mark 90
- 6. Clerical work not of a routine character, involving much original thought, consideration, or investigation, and requiring professional, technical, scientific, expert or, special knowledge, as well as a high order of ability.....Mark 95



SKILLED LABOR.

- 1. Skilled labor not requiring the knowledge of a recognized mechanical trade.....Mark 40
- 2. Skilled labor requiring the knowledge of a mechanical trade.....Mark 60
- 3. Skilled labor involving duties of a supervisory character or considerable personal responsibility .....Mark 70
- 4. Skilled labor requiring the knowledge of a mechanical trade and involving duties of a supervisory character and great personal responsibility.....Mark 80

WORK OF WATCHMEN OR MESSENGERS.

- 1. Routine work of watchmen or messengers, involving no special or unusual personal responsibility .....Mark 40
- 2. Work of watchmen or messengers of a confidential character or involving special or unusual personal responsibility.....Mark 55

If the employee shows special aptitude or fitness for a grade of work higher than, or different from, that upon which he is engaged, it should be noted under the head of "Remarks."

*Quality of work.*—This element is given a weight of 4. The mark for quality of work will be given without regard to character or quantity, and should indicate the accuracy, skill, promptness, penmanship, neatness, and intelligence with which the work is performed, as compared with the standard.

- Quality of work should be rated as follows (fractions should not be used):
- Excellent: Indicating work of extremely high quality.....Mark 95 to 100
  - Superior: Indicating work of high quality.....Mark 90 to 94
  - Good: Indicating work of average quality .....Mark 80 to 89
  - Fair: Indicating work of acceptable but not good quality .....Mark 70 to 79
  - Poor: Indicating work of very inferior quality .....Mark 60 to 69

Lower marks indicate the unfitness of the employee for the work to which he is assigned. Extreme marks, high or low, should be explained under the head of "Remarks."

*Quantity of work.*—This element is given a weight of 3. The mark for quantity of work is given without regard to character or quality, and should indicate the amount of work actually performed, as compared with the standard. If the quantity of work performed is small because the duties of the employee do not fully occupy his time, it should be explained under the head of "Remarks," together with an estimate of the quantity of work he is capable of doing. If the work performed is of such a character that it is not practicable to keep a comparative record of the quantity of work, an estimated mark should be given for this element, and the fact that it is estimated should be noted under the head of "Remarks." Quantity of work should be rated as follows (fractions should not be used):

- Very large..... 95 to 100
- Large..... 90 to 94
- Average..... 80 to 89
- Below the average..... 70 to 79
- Small..... 60 to 69

Lower marks indicate either that the employee has not sufficient work to fully occupy his time, or that he is unfit for its performance.

*Office habits.*—No credit is directly given for good office habits, as an employee should strictly comply with office regulations. Deductions from the credit earned for character, quality, and quantity of work will be made for violations of regulations. A charge of 2 will be made for each infraction of office regulations with respect to punctuality or application, and a charge of 5 or a multiple of 5 will be made for misconduct, according to the gravity of the offense. Care should be taken to distinguish between necessary rest from fatiguing work and lack of application while assigned to work not fatiguing. The date and character of each case of misconduct should be specifically noted under the head of "Remarks."

*General average and actual efficiency.*—The general average of an employee is the average of the marks for character, quality, and quantity of work, less any deduc-

tions for office habits, and is determined as follows: Multiply the marks for character, quality, and quantity by their respective relative weights; find the sum of the products; subtract the aggregate deductions under the head of "Office habits;" and divide the remainder by 10—the sum of the relative weights. If the employee was actually or constructively present during the entire period under consideration, his general average will indicate his actual efficiency; otherwise his actual efficiency is ascertained by multiplying his general average by the number of days of service actually or constructively rendered, and dividing by the number of calendar days in the period under consideration.

An employee shall be considered constructively present on Sundays and holidays, and also when not absent in excess of the time allowed by law for annual leave.

These rules will also govern in marking the efficiency of draftsmen and other employees whose duties are of a professional or technical character.

JOHN D. LONG, *Secretary*.

UNITED STATES CIVIL SERVICE COMMISSION,  
Washington, D. C., March 27, 1897.

Approved.

By direction of the Commission:

JOHN R. PROCTER, *President*.

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## DEPARTMENT OF AGRICULTURE.

WASHINGTON, D. C., December 1, 1896.

The following regulations, having been duly promulgated by the honorable the United States Civil Service Commission and approved by the Secretary of Agriculture, will hereafter govern promotions, demotions, and continuance in office of employees in this Department, and they are accordingly published for the information of all concerned.

J. STERLING MORTON,  
*Secretary*.

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OFFICE OF UNITED STATES CIVIL SERVICE COMMISSION,  
Washington, D. C., December 1, 1896.

In pursuance of the requirements of section 7 of "An act to regulate and improve the civil service of the United States," approved January 16, 1883, and in conformity with Rule XI of the revision of the civil-service rules promulgated by the President on the 6th day of May, 1896, the following regulations governing promotions in the departmental service of the Department of Agriculture have been formulated by the Civil Service Commission after consultation with the Secretary of Agriculture, and are hereby promulgated:

### REGULATION I.

**SECTION 1.** All vacancies above those in the lowest class of any grade not filled by reinstatement, transfer, or reduction shall be filled by promotion: *Provided*, That if there is no person eligible for promotion, or if the vacant position requires the exercise of technical or professional knowledge, it may be filled through certification by the Civil Service Commission.

**SEC. 2.** Except as provided in section 1 of this regulation, a vacancy in any class shall be filled by the promotion of an eligible in the next lower class of the same bureau, division, or office. When such vacancy exists the board of promotion review shall certify to the Secretary of Agriculture the names of the three eligibles in the bureau, division, or office having the highest records of efficiency, and from these names the Secretary of Agriculture shall make his selection: *Provided*, That if there shall be in the bureau less than three eligibles in the class next below that in

which the vacancy exists, the board of promotion review shall certify as many in addition of the highest eligibles in the corresponding class of the other bureaus as may be necessary to make a full certification.

REGULATION II.

SECTION 1. No person shall be promoted to any grade from which he is barred by the age limitations prescribed by the civil-service rules.

SEC. 2. No person whose record of efficiency is below 85 per cent of the possible maximum rating of his class or grade shall be eligible for promotion.

SEC. 3. No person occupying a position below the grade of clerk-copyist shall be promoted to that grade until he shall have been employed two years in the departmental service and shall have passed, with an average percentage of 70 or over, the examination prescribed by the Commission.

REGULATION III.

SECTION 1. The chief clerk of each bureau, under the direction of the head thereof, shall keep a record of the efficiency of all employees under his supervision, and a similar record of employees not assigned to any bureau shall be kept by the chief clerk of the Department.

SEC. 2. The record of efficiency shall be kept on such forms as may be prescribed by the Commission after consultation with the Secretary of Agriculture, and shall embrace the elements which are essential to a fair and accurate determination of the relative merits of employees.

SEC. 3. A record of those eligible for promotion shall be kept by the board of promotion review. The board shall have access to efficiency records, and may at any time call for a transcript of the same.

SEC. 4. The efficiency reports made by the chiefs of the several bureaus, divisions, and offices of the Department of Agriculture, respecting the value of the personal services in the Department of each person serving under them, and filed with the appointment clerk for the chief clerk of the Department, shall be the basis of all promotions, demotions, and continuations on the rolls of the Department.

SEC. 5. The following shall be the form of efficiency report to be used in the Department of Agriculture:

UNITED STATES DEPARTMENT OF AGRICULTURE.  
OFFICE OF THE SECRETARY.  
WASHINGTON, D. C....., 189 .

TO THE CHIEF OF THE.....:

You are directed to report upon the following-named person, as the questions herein propounded may require, and to file the report with the appointment clerk for the chief clerk.

J. STERLING MORTON.  
*Secretary.*

EFFICIENCY REPORT.

M.....is employed under your supervision. This person's salary is \$..... per annum.

Upon what character of work is this person generally employed? Is it clerical? Supervisory? Routine? Is it of a varied and exceptional character? Does it involve original thought, consideration, or investigation? If it is skilled labor, state the kind and whether it is supervisory or routine. If it is that of messenger, watchman, charwoman, or mere laborer, state the fact.

.....  
How high on a scale of 10 do you rate the quality of this person's work? .....  
How high on a scale of 10 do you rate the quantity of work per month done by this person? .....  
How high on a scale of 10 do you rate the punctuality of this person? .....

How high on a scale of 10 do you rate the deportment of this person? .....  
How many days absent from duty on account of sickness during the six months last past? .....  
How many days absent from duty otherwise than on account of sickness during the six months last past? ..... On account of annual leave? ..... Without leave? ..... Furloughed? .....  
Does this person show, in your opinion, any special fitness for work of a higher intellectual character than that to which assigned?

.....  
Have you any further statement to make respecting this person? If so, make it here.  
.....  
(Signed) .....  
Chief of the.....  
No.....

(MEMORANDUM RESPECTING THIS PERSON, COMPILED FROM THE RECORDS OF THE DEPARTMENT.)  
First appointed....., 18 , at a salary of \$...... per annum.....  
.....  
.....  
Classified civil-service record: .....  
.....  
.....

SEC. 6. An examination into the relative efficiency of employees, as shown by the efficiency record hereinbefore provided for, and such further tests as the Commission may deem necessary, shall constitute an examination for promotion from one class to another class. No person, except as herein provided, shall be eligible for promotion until he shall have passed such an examination  
SEC. 7. Examinations for promotion from one grade to another grade shall be conducted by the board of promotion examiners at such times as may be fixed by the Commission.  
SEC. 8. Efficiency reports shall be called for by the chief clerk immediately before the termination of the first half of the fiscal year, and also immediately before the termination of the fiscal year, and may be called for at such other times as the interests of the Department seem to require.

JOHN R. PROCTER,  
*President Civil Service Commission.*

Approved, December 1, 1896.

J. STERLING MORTON,  
*Secretary of Agriculture.*



REGULATIONS GOVERNING PROMOTIONS IN THE UNITED STATES COMMISSION OF FISH AND FISHERIES.

In making promotions in the United States Commission of Fish and Fisheries, length of service, seniority, previous efficiency, and adaptability for the position, will be taken into consideration; in addition to which an examination to test the special qualification of the candidate will be held under the direction of a board of promotion nominated by the Commissioner and approved by the United States Civil Service Commission.  
J. J. BRICE, *Commissioner.*

JANUARY 22, 1897.

## CUSTOM-HOUSE SERVICE.

(Effective May 20, 1896.)

Until permanent promotion regulations shall be applied to a customs district the following promotions may be made therein at any time after absolute appointment:

(a) Any employee, to the next higher class in the same grade upon any test of fitness determined upon by the nominating officer.

(b) Any employee, to the lowest class in any other grade, or to a class no higher than the class from which transferred, upon passing a noncompetitive examination for that grade.

(c) Storekeepers and assistant storekeepers shall be classed as clerks, and vacancies in that class shall be filled by assignments from the grade of clerk.

## PROMOTIONS AND TRANSFERS IN THE NEW YORK CUSTOMS DISTRICT.

(Regulations in effect May 15, 1899.)

[A history of promotion examinations at the New York custom-house appears at page 190 of the Fourteenth Report.]

## REGULATION I.

1. Vacancies, except in the lowest class of any grade, shall be filled by promotion, transfer, or reinstatement, unless specially provided for by open competitive examination.

2. All promotions, unless specially excepted, shall be from the class immediately below that in which the vacancy exists, after service of at least six months therein, and upon certification by the board of examiners: *Provided*, That if in any examination for promotion the competitors in the next lower class shall not exceed three in number, the board of examiners may, at its discretion, open the examination to those who have served less than six months in that class and to one or more of the classes below, or, if more than three competitors are not obtained by this means, to open competition.

## REGULATION II.

Any person wishing to be examined for promotion must personally record his application in a book provided for the purpose in the office of the secretary of the board of examiners, stating the position and office in which he is employed, and the position for which he wishes to be examined. Those persons only who hold positions in the classified service not excepted from examination are eligible to be examined for promotion, and may be promoted only in the office in which they are employed.

## REGULATION III.

1. Examinations for promotion to Classes E, 1, 2, 3, and 4, clerk's grade, in all offices, shall be held annually, commencing on the first Monday in December; applications must be recorded with the secretary of the board of examiners at least twenty days before the first Monday in December. Applications must be recorded with the secretary of the board of examiners at least twenty days before the first Monday in December. These examinations may be held at other times when, in the opinion of the board of examiners, approved by the Civil Service Commission, it shall be necessary.

2. Any clerk, junior clerk, or messenger, in Class A, B, C, or D, who has been *absolutely appointed* may be examined for promotion to clerk of Class E, and any

clerk who has served for six months in Class E, 1, 2, or 3, may be examined for promotion to the next higher class.

3. Any sampler who has served one year since his absolute appointment may be examined for promotion to clerk of class 1, appraiser's office.

4. Any inspector who has served one year since his absolute appointment may be examined for promotion to clerk of class 2, collector's office: *Provided*, That any inspector who was transferred to such position from a clerkship in class 2 may be examined for promotion to clerk of class 3, collector's office, without regard to the length of time he has served as inspector.

5. Any inspector for admeasurement of vessels who has served one year since his absolute appointment may be examined for promotion to clerk of class 2, surveyor's office.

#### REGULATION IV.

Examinations for promotion to the positions of weigher and of ganger shall be held when required to fill vacancies. Any assistant weigher, assistant ganger, or inspector who has been absolutely appointed shall be eligible for such examinations, and competition for these positions shall be limited to assistant weighers, assistant gangers, and inspectors.

#### REGULATION V.

Examinations for promotion or transfer not specifically provided for in the foregoing regulations may be held at such times as, in the opinion of the board of examiners, approved by the Civil Service Commission, the needs of the service may require.

#### REGULATION VI.

When any examinations other than those scheduled for December are ordered, due notice thereof shall be posted in the office for which such examinations are to be held, stating the time of examination and the time when applications must be recorded.

#### REGULATION VII.

The examinations shall be held upon such subjects as, in the opinion of the board of examiners, with the approval of the Civil Service Commission, the general nature of the business of the office and the special nature of the positions to be filled may require. In grading the competitors, weight equal to that of the written examination shall be given to the efficiency with which the several competitors shall have performed their duties. Every competitor obtaining a general average of 75 per cent shall be eligible for promotion.

#### REGULATION VIII.

From the list of eligibles from which promotion is to be made the three eligibles highest in grade in the office or in the division in which the vacancy exists shall be certified for each vacancy, the requisition of the nominating officer to indicate which kind of certification is desired: *Provided*, That no eligible shall be certified more than three times, and that the period of eligibility shall be one year from the date of registration, except that the eligibility of persons reexamined for the same class shall expire when the new register takes effect.

#### REGULATION IX.

1. Vacancies in classes 5 and 6, examiner's grade, shall be filled by promotion from classes 4 and 5, respectively, examiner's grade, upon certification that the person to

be promoted has served at least six months in the class from which he is to be promoted.

2. Vacancies in class 1, sampler's grade, shall be filled by promotion from Class I, sampler's grade, upon certification that the person to be promoted has served at least six months in such position.

3. Vacancies in class 2, assistant weigher's grade, shall be filled by promotion from Class E, assistant weigher's grade, upon certification that the person to be promoted has served at least six months in such position.

4. Vacancies in the grade of storekeeper shall be filled by assignment of clerks in the same class, or by promotion of clerks in the next lower class, and storekeepers shall be entitled to the same opportunities for promotion as clerks of the same class.

5. Vacancies in the grades of stenographer, carpenter, engineer, bookbinder, and superintendent of supplies may be filled by promotion in each grade, respectively, upon certification that the person to be promoted has passed an examination for the position to which he is to be promoted, or by open competitive examination, without regard to the class in which the vacancy exists. Vacancies in the grade of teller or appointment clerk shall be filled by promotion or transfer of any person in the service upon certification that the person to be promoted or transferred has passed an examination for the position of teller or appointment clerk, respectively.

6. Vacancies in classes 5 and 6, not otherwise provided for, shall be filled by promotion from the next lower classes, respectively, upon certification that the person to be promoted has served at least six months in the class from which he is to be promoted.

7. Vacancies in any class below Class E may be filled by promotion of persons in the same grade without certification and without regard to class, or by appointment from the registers of those eligible for entrance to the service in the grade in which the vacancy exists.

8. The requisition for promotion under sections 1, 2, 3, and 6 of this regulation shall contain a statement to the effect that the person proposed for promotion is the one, in the opinion of the nominating officer, best qualified for the position to be filled, giving his reasons therefor.

#### REGULATION X.

Any person holding a position not excepted from examination may be transferred (1) to a position in the same class, and requiring no higher examination, and in the same office, or (2) to a position in the same class, and requiring no higher examination, in another office in this district, with the consent of the heads of the respective offices, upon certification by the board of examiners that he has served six months consecutively in the office from which he is to be transferred: *Provided*, That a person whose name is on the promotion eligible register, who is transferred from one division to another division, shall not be eligible for certification in the division to which transferred, until he has served six months therein or has entered upon a new period of eligibility as the result of another regular promotion examination taken subsequent to transfer.

#### REGULATION XI.

The Civil Service Commission may at any time amend these regulations or substitute other regulations therefor.

Promulgated for the information and guidance of nominating and appointing officers, members of the board of examiners, and employees interested, May 15, 1899.

JOHN R. PROCTER, *President*.



## GOVERNMENT PRINTING OFFICE.

1. The employees of the Government Printing Office shall be grouped as follows:

*First group.*—All skilled laborers.

*Second group.*—All persons employed in the mechanical trades, including proof readers and copyholders.

*Third group.*—All persons employed in a clerical capacity.

2. Where vacancies are not filled by transfer, reinstatement, or original appointment, promotions from class to class in the same grade within any group may be made on any test of fitness prescribed by the Public Printer and not disapproved by the Civil Service Commission.

3. Any person employed in one group who has previously been regularly employed in any other group, and has been found qualified, may be retransferred to his former group and grade without examination. No other person shall be transferred or promoted from one group to another group until he has passed the examination prescribed in section 4 or section 5 of these regulations.

4. Competitive examinations shall be held at such times as the Commission, on consultation with the Public Printer, may direct to determine the eligibility of employees of the first or second group for promotion to another group. Any employee of the first or second group who has served at least six months therein may file an application for promotion, indicating the grade or grades for which he wishes to be examined. The examination shall be the same as for original entrance to the grade to which promotion is sought. When a vacancy exists in any grade in the second or third group which the Public Printer wishes to fill by promotion from another group, he shall make requisition on the Commission, and the names of the three eligibles standing highest on the promotion register for the grade specified shall be certified, one of whom shall be selected for promotion by the Public Printer.

5. When a vacancy exists in the third group in the grade of clerk, the duties of which clerical position require also a knowledge of one of the mechanical trades, promotions may be made from the second group to the third group in the following manner:

The Public Printer shall designate five or more employees having a knowledge of the required trade, who from the efficiency reports are shown to be best qualified for the position to be filled. The persons so designated shall take the examination of the first grade with such practical questions pertaining to the duties of the position to be filled as may be determined upon by the Public Printer and the Civil Service Commission, and the three who obtain the highest general averages shall be certified to the Public Printer, who shall select one for promotion. It is hereby provided that the assignment of a classified employee to act as private secretary to the Public Printer may be made without regard to the provisions and restrictions of these regulations.

6. No promotion of employees shall be made during their probationary period: *Provided*, that a person who is shown by the records of the office to have formerly satisfactorily served for at least six months in the same group to which probationarily appointed, and to have been separated from the service without delinquency or misconduct, may, subject to the other conditions of these regulations, be promoted without regard to the limitation of this section.

7. The Public Printer shall designate and report to the Commission the group to which each position shall be assigned, and no change in such assignment shall be made without authority of the Commission.

8. All changes, transfers, promotions, and demotions, and the reasons for such promotions and demotions, shall be reported to the Commission.

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9. In order to carry out the foregoing regulations, the Public Printer shall nominate to the Commission not less than three persons to act as a board of promotion for the Government Printing Office.

Formulated by the Civil Service Commission.

JOHN R. PROCTER, *President*.

Approved, January 15, 1897.

TH. E. BENEDICT, *Public Printer*.

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### THE GROUPING OF EMPLOYEES BY DESIGNATION.

#### FIRST GROUP.

(All skilled laborers.)

Assistant doorkeepers, boxers, captains of watch, charge of charwomen, charge of countingroom, charge of delivery room, charge of glue room, charge of gold sweepings, charge of helpers, charge of numbering, charge of piece sewers, charge of sewing machines, charge of stitching machines, charge of warehouse, counters, directresses, doorkeepers, examiners, feeders, firemen, floor hands (not mechanics), folders, gold workers, helpers, hoisters, hydraulic pressmen, knife grinders, leather cutters, leather parers, messengers, numberers, operators, paper cutters, perforators, sawyers, sewers, stablemen, wagon master, wagon messengers, watchmen, yard master.

#### SECOND GROUP.

(All persons employed in the mechanical trades, including proof readers and copyholders.)

Assistant foremen of divisions, assistant foreman of printing, binders, blacksmiths, carpenters, charge of carpenters, charge of pamphlet machine, charge of plates, charge of web presses, charge of "Y," chief electrician, chief engineer, chief machinist, compositors, copyholders, electricians, electrotypers, engineers, floor hands (mechanics), foreman of binding, foremen of divisions, foreman of printing, imposers, machinists, makers-up, marblers, painters, plumbers, pressmen, readers, roller makers, saw grinders, stereotypers, superintendent of building, superintendent of paper warehouse.

#### THIRD GROUP.

(All persons employed in a clerical capacity.)

Cashier, chief clerk, clerks, storekeeper, superintendent of documents, telegrapher, telephone operator.

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## PART III.

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### THE EXECUTIVE CIVIL SERVICE AND ITS CLASSIFICATION.

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## PART III.—THE EXECUTIVE CIVIL SERVICE AND ITS CLASSIFICATION.<sup>1</sup>

### NUMBER OF POSITIONS IN THE EXECUTIVE CIVIL SERVICE, HOW DISTRIBUTED, AND THE ENTRANCE EXAMINATION REQUIRED ON JUNE 30, 1896.

In the table following an attempt has been made to distribute the classified positions in the executive civil service, in the several departments, commissions, offices, bureaus, under three heads, according to the character of examination required for entrance to each position. On June 30, 1896, according to reports furnished the Commission by the proper officials, the number of positions in the executive civil service was 178,884, of which 79,988 were classified, and 98,896 were unclassified or excepted from examination. 17,216 positions were inside the District of Columbia, 161,668 were outside. Of the positions within the District 16,078 were classified and 1,138 were unclassified or excepted. Of those outside 63,910 were classified, 97,758 were unclassified or excepted.

Under the column headed "General" are placed those positions entrance to which is ordinary educational examination, not usually exceeding the clerk examination required by the Commission. Under the heading "Technical" are placed those positions requiring for entrance tests of a scientific or technical character. The positions classed as noneducational are filled by persons selected by tests other than those of an educational nature, such as age, physical condition, character as a workman in the trade or occupation sought, and experience therein. It has not been easy to decide in all cases under which head certain positions should be placed. To many of the educational examinations one or all of the noneducational elements are added; in other cases these elements influence the general average of the competitor and increase his chance of appointment, but are not absolutely essential.

Many positions have been classed as "General" because, although technical in their nature, they are not filled by appointments from outside, but by promotions of persons in the service who have become proficient in the duties pertaining to these positions.

Under a general educational examination are included about 71.96 per cent of all classified positions; 76.74 per cent of all classified positions in the District of Columbia; and 70.75 per cent of all classified positions outside. Technical examinations require admission to about 6.18 per cent of all classified positions; 9.04 per cent of all classified positions in the District; and 5.46 per cent of the classified positions outside. Noneducational examinations cover about 21.86 per cent, 14.22 per cent, and 23.78 per cent of all classified positions in the whole service, in the District of Columbia and outside, respectively.

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For a classification of positions, by salary or compensation received, see Civil Service Rule XIII.

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Extent of the executive civil service, classified and unclassified, by departments, bureaus, and offices, inside and outside of the District of Columbia, and general indication of entrance tests.

Departments, bureaus, and offices.	Classified competitive positions.				Unclassified and excepted.	Aggregate.
	General.	Technical.	Noneducational.	Total.		
Executive Office .....	18	.....	1	19	2	21
Civil Service Commission .....	57	.....	1	58	4	62
Department of State .....	88	2	6	96	26	122
Positions directly under the Superintendent, State, War, and Navy building .....	8	1	15	24	1	25
Treasury Department in the District of Columbia:						
Secretary's office .....	14	1	.....	15	5	20
Chief clerk's office .....	102	5	29	136	120	256
Division of appointments .....	17	.....	.....	17	.....	17
Division of bookkeeping and warrants .....	23	13	.....	36	.....	36
Division of customs .....	18	.....	.....	18	.....	18
Division of public money .....	16	.....	.....	16	1	17
Division of loans and currency .....	62	1	.....	63	12	75
Division of Revenue-Cutter Service .....	14	.....	.....	14	.....	14
Division of mail and files .....	22	.....	.....	22	1	23
Division of special agents .....	11	.....	.....	11	.....	11
Division of stationery, printing, and blanks .....	24	.....	.....	24	.....	24
Miscellaneous division .....	10	.....	.....	10	.....	10
Disbursing clerks .....	5	.....	.....	5	.....	5
Miscellaneous roll .....	4	.....	.....	4	.....	4
Secret-service division .....	33	.....	.....	33	.....	33
Supervising Architect's Office .....	83	71	1	155	1	156
Comptroller of the Treasury .....	13	5	.....	18	2	20
Auditor for the Treasury Department .....	98	1	.....	99	5	104
Auditor for the War Department .....	257	1	2	260	9	269
Auditor for the Interior Department .....	128	1	.....	129	3	132
Auditor for the Navy Department .....	45	1	.....	46	4	50
Auditor for the State Department .....	55	1	.....	56	2	58
Auditor for the Post-Office Department .....	465	.....	.....	465	23	488
Comptroller of the Currency .....	81	3	2	86	4	95
Treasurer, United States .....	273	3	4	280	15	295
Register of the Treasury .....	53	.....	.....	53	5	58
Commissioner of Internal Revenue .....	206	2	.....	208	1	209
Bureau of Statistics .....	35	.....	.....	35	1	36
Light-House Board .....	23	5	.....	28	1	29
Mint Bureau .....	14	3	.....	17	1	18
Bureau of Navigation .....	20	.....	.....	20	1	21
Life-Saving Service .....	22	3	.....	25	1	26
United States Coast and Geodetic Survey .....	49	93	17	159	9	168
Surgeon-General Marine-Hospital Service .....	16	3	.....	19	3	22
Steamboat-Inspection Service .....	5	.....	.....	5	1	6
Bureau of Engraving and Printing .....	1,134	29	365	1,528	89	1,617
Bureau of Immigration .....	4	1	.....	5	1	6
Special witnesses .....	2	.....	.....	2	.....	2
Total Treasury Department in the District .....	3,456	246	420	4,122	321	4,443
Steamboat-Inspection Service .....	32	119	.....	151	10	161
Marine-Hospital Service at large (12 stations, 20 hospitals) —						
Surgeons of various grades .....	.....	23	.....	23	111	134
Hospital stewards .....	.....	32	.....	32	.....	32
Sanitary inspectors .....	.....	12	.....	12	2	14
Hospital and quarantine attendants .....	.....	.....	323	323	.....	323
Internes .....	.....	.....	.....	.....	20	20
Watchmen and messengers .....	.....	.....	9	9	.....	9
Masters, engineers, firemen, pilots, seamen, etc. ....	.....	.....	32	32	7	39
Total Marine-Hospital Service at large .....	.....	67	364	431	140	571
Light-House Service (16 districts, 8,632 aids to navigation) —						
Detailed officers .....	.....	.....	.....	.....	28	28
Keepers and five grades of assistant keepers .....	.....	.....	1,140	1,140	.....	1,140
Light-ships and tenders (44 ships, 37 tenders) —						
Officers, masters, mates, engineers .....	.....	.....	255	255	.....	255
Crews, firemen, cooks, seamen, stewards, etc. ....	.....	.....	.....	.....	651	651
Miscellaneous employees .....	130	57	12	199	14	213
Laborers, different places .....	.....	.....	31	31	36	67
Post-light keepers .....	.....	.....	.....	.....	1,400	1,400
Total Light-House Service .....	130	57	1,438	1,625	2,129	3,754

*Extent of the executive civil service, etc.—Continued.*

Departments, bureaus, and offices.	Classified comp-positions.				Unclassified and excepted.	Aggregate.
	General.	Technical.	N <sup>a</sup> tional.			
<b>Treasury Department in the District of Columbia—Continued.</b>						
Life-Saving Service (keepers, surfmen, etc.).....			1,992	1,992		1,992
United States mint at Philadelphia.....	40	10	341	391	39	430
United States mint at San Francisco.....	24	13	169	206	4	210
United States mint at New Orleans.....	13	4	83	100	7	107
United States mint at Carson City.....	4	3	16	23	3	26
United States mint Denver.....	8	5	7	20	2	22
Assay office at New York.....	12	11	42	65	3	68
Assay offices at Helena, Boise, St. Louis, and Charlotte, N. C.....	8	8	7	23	7	30
Total United States mints and assay offices. (NOTE).....	109	54	a 665	828	65	893
Revenue-Cutter Service (24 cadets).....		24		24	1,181	1,205
Assistant-custodian and janitor service.....	b 17	c 8	d 679	704	474	1,178
Subtreasuries (in 8 largest cities and New Orleans).....	248	12		260	9	269
Construction of public buildings.....	18	60	34	112	30	142
Immigration service (inspectors, interpreters, clerks, mechanics, etc.)—						
Ellis Island, N. Y.....	23	35	69	127	9	136
Boston, Baltimore, Philadelphia, San Francisco, Canada.....	5	20	9	34	10	44
Total Immigration service.....	28	55	78	161	19	180
Immigrant inspectors.....		71		71		71
Special Treasury agents (inspectors seal and salmon fisheries).....		36		36		36
Special Treasury employees.....		33		33		33
Special inspectors of customs.....		56		56	1	57
Chinese inspectors.....		36		36		36
Shipping commissioners.....	19	35		54		54
Internal-revenue agents.....		20		20		20
Coast and Geodetic Survey.....	30	11	5	46	22	68
Custom-house service—						
88 classified ports.....	4,421		47	4,468	497	4,965
65 unclassified ports.....					143	143
Total custom-house service.....	4,421		47	4,468	640	5,108
Internal-Revenue Service.....	3,168			3,168	114	3,282
Total Treasury Department outside the District.....	3,220	754	5,302	14,276	4,834	19,110
Total Treasury Department inside the District.....	3,456	246	420	4,122	321	4,443
Total Treasury Department.....	11,676	1,000	5,722	18,398	5,155	23,553
<b>War Department:</b>						
Office of the Secretary.....	60	1	4	65	5	70
Office of the Adjutant-General.....	131			131		131
Office of the Inspector-General.....	10	1		11		11
Office of the Judge-Advocate-General.....	11			11		11
Office of the Quartermaster-General.....	106	13		119	1	120
Quartermaster's Department at large in the District.....	18	3	1	22	27	49
Office Commissary-General of Subsistence.....	36			36		36
Subsistence Department at large in the District.....	4			4	2	6
Surgeon-General's Office.....	98	6	9	113	4	117
Office of the Paymaster-General.....	21		4	25		25
Office of the Chief of Engineers.....	63	7	2	72	1	73

NOTE. These statistics for the Mint Service are modified by the regulations promulgated June 5, 1899.

<sup>a</sup> For these positions an educational test constitutes 30 per cent of the examination.

<sup>b</sup> Assistant custodian, for which experience and character as a workman count 25 per cent.

<sup>c</sup> Chief engineer, for which practical questions, experience, and character as a workman count 70 per cent.

<sup>d</sup> With a view to lessening expenditure, many of these positions are being abolished and new unclassified ones created.

<sup>e</sup> Examination includes elementary physics pertaining to gauging.



Extent of the executive civil service, etc.—Continued.

Departments, bureaus, and offices.	Classified competitive positions.				Unclassified and excepted.	Aggregate.
	General.	Technical.	Noneducational.	Total.		
War Department—Continued.						
Office of the Chief of Ordnance.....	34	3	1	38		38
Signal Office.....	5			5		5
War Records Office.....	31	26		57	2	59
Record and Pension Office.....	503		5	508	5	513
Chickamauga and Chattanooga National Park Commission.....	2	3		5	1	6
Board of Ordnance and Fortification.....	2			2		2
Under superintendent State, War and Navy building.....	38		14	52	56	108
Total War Department in the District....	1,173	63	40	1,276	104	1,380
Quartermaster's Department at large.....	429	46	125	600	567	1,167
Subsistence Department at large.....	42		17	59	8	67
Medical Department at large.....	26		2	28	9	37
Office of the Paymaster-General at large.....	44			44		44
Engineer Department at large.....	357	614	2,560	3,531	1,900	5,431
Per diem employees (see note).....		14	832	846	3,569	4,415
Ordnance Department at large.....	47	52	1,290	1,389	710	2,099
Signal Service at large.....		1		1	19	20
United States Military Academy, West Point, N. Y.....	5	6	15	26	1	27
Chickamauga and Chattanooga National Park Commission at large.....	1	6	10	17	53	70
Shiloh Battlefield Commission.....	2	7	3	12	1	13
Gettysburg National Park Commission.....		5	16	21		21
Antietam Battlefield Board.....	2	1		3		3
Army clerks and messengers.....	127		46	173		173
Total War Department outside the District.....	1,082	752	4,916	6,750	6,837	13,587
Total War Department inside the District.....	1,173	63	40	1,276	104	1,380
Total War Department.....	2,255	815	4,956	8,026	6,941	14,967
Department of Justice:						
In the District.....	78	22	4	104	33	137
Outside the District.....	314	9	5	328	239	567
Total.....	392	31	9	432	272	704
Post-Office Department:						
Office of the Postmaster-General.....	10	1	1	12	2	14
Office of the Assistant Attorney-General.....	7	2		9		9
Office of the topographer.....	10	14		24	1	25
Office of the disbursing clerk.....	35		14	49	45	94
Office of the First Assistant Postmaster-General.....	224		3	227	7	234
Office of the Second Assistant Postmaster-General—Office proper.....	102	1		103	1	104
Foreign mails and mail messengers.....	14			14		14
Mail-bag and mail-lock repair shops.....	13		193	206		206
Office of the Third Assistant Postmaster-General—Office proper.....	90			90	1	91
Postage-stamp agency.....	8			8		8
Office of the Fourth Assistant Postmaster-General—Office proper.....	55	2		57	1	58
Office post-office inspector.....	135			135		135
Total, Post-Office Department, inside the District.....	703	20	211	934	58	992
Clerks on ocean steamers.....	15			15		15
Railway Mail Service.....	7,405			7,405	34	7,439
Stamped-envelope agency.....	11		4	15		15
Postal-card agency.....	4			4		4
Total, departmental service, outside.....	7,435		4	7,439	34	7,473
Post-Office service—						
Postmasters, all classes.....					70,360	70,360
Free-delivery division.....	15,907			15,907		15,907
First-class (158) offices <i>b</i> .....	8,385			8,385	3,253	11,638

*a* 846 employees are classified, but paid per diem with 3,569 unclassified per diem employees from the sum of \$1,320,000.  
*b* Post-office at Washington, D. C., is included.

*Extent of the executive civil service, etc.—Continued.*

1907

1908

1909

1910

1911

1912

1913

1914

1915

1916

1917

<sup>a</sup> 168 of these are temporary employees not paid from Government funds.  
<sup>b</sup> Of this number 1,356 are Indians.  
<sup>c</sup> Indians.  
<sup>d</sup> These positions have been treated by the Secretary of the Interior as excepted under Civil Service Rule III, section 8, Paragraph A.

Extent of the executive civil service, etc.—Continued.

Departments, bureaus, and offices.	Classified competitive positions.				Unclas- sified and ex- cepted.	Aggre- gate.
	Gen- eral.	Techni- cal.	Noned- uca- tional.	Total.		
Department of Labor.....	68	24	.....	92	3	95
United States Fish Commission .....	65	72	32	169	14	183
Interstate Commerce Commission .....	132	5	.....	137	5	142
Smithsonian Institution .....	141	62	24	227	65	292
Government Printing Office .....	2,808	8	.....	2,816	36	2,852
Library of Congress .....	.....	.....	.....	.....	187	187
Total, executive civil service.....	57,557	4,944	17,487	79,988	98,896	178,884
Total in the District of Columbia.....	12,338	1,453	2,287	16,078	1,138	17,216
Total outside .....	45,219	3,491	15,200	63,910	97,758	161,668

c For 1,536 of these positions experience and character as a workman in the occupation sought constitutes a part of the examination.

EXPENDITURES FOR SALARIES IN THE EXECUTIVE CIVIL SERVICE.

According to reports furnished to the Commission by the proper officials the annual expenditures in the executive civil service for salaries aggregated \$99,717,055.22 on June 30, 1896, of which \$18,515,920.93 was paid to employees in the District of Columbia, and \$81,201,134.29 to employees outside. \$72,255,390.33 was paid to persons holding classified competitive positions, and \$27,461,664.89 to employees in unclassified or excepted positions. Salaries of postmasters constitute over 60 per cent of the amount last named. To the classified employees inside the District \$17,460,850.99 was paid, and \$54,794,539.34 to the classified employees outside. Unclassified and excepted employees within the District received \$1,055,069.94, and those outside received \$26,406,594.95. These figures are affected slightly by the fact that, specific data not being at hand, positions connected with the customs service and post-office at Washington, D. C., are grouped with similar positions outside of the District. The salaries of the Washington customs service are given with those of that service at large, and the amounts for classified and unclassified and excepted service in the Washington post-office are estimated for the same reason. The table may be useful to show the comparative expense of maintaining the several branches of the Government service.

Distribution of salaries in the executive civil service.

Departments, bureaus, and offices.	Classified competitive.		Total.	Unclassified and excepted.		Aggregate salaries.
	In Washington.	Outside.		In Washington.	Outside.	
Executive office .....	\$27,700.00	.....	\$27,700.00	\$7,500.00	.....	\$35,200.00
Civil Service Commission .....	75,840.00	.....	75,840.00	15,500.00	.....	91,340.00
Department of State .....	113,840.00	.....	113,840.00	31,660.00	.....	145,000.00
State, War, and Navy building .....	22,520.00	.....	22,520.00	2,400.00	.....	24,920.00
Treasury Department.....	4,449,623.15	.....	4,449,623.15	243,110.00	.....	4,692,733.15
Steamboat-Inspection Service.....	.....	\$245,400.00	245,400.00	.....	\$30,000.00	275,400.00
Marine-Hospital Service .....	.....	185,598.00	185,598.00	.....	155,574.13	341,172.13
Light-House Service .....	.....	1,132,887.50	1,132,887.50	.....	515,633.50	1,648,521.00
Life-Saving Service .....	.....	1,247,096.50	1,247,096.50	.....	.....	1,247,096.50
Mints and assay offices.....	.....	911,920.85	911,920.85	.....	101,667.50	1,013,588.35
Revenue-Cutter Service.....	.....	12,000.00	12,000.00	.....	727,983.00	739,983.00
Assistant custodian and janitor service .....	.....	496,735.00	498,735.00	.....	191,960.00	690,695.00
Subtreasury service.....	.....	375,270.00	375,270.00	.....	44,000.00	419,270.00
Construction of public buildings.....	.....	187,916.50	187,916.50	.....	5,604.66	193,521.16
Immigration service .....	.....	148,008.00	148,008.00	.....	25,729.00	173,737.00
Immigrant inspectors .....	.....	116,700.00	116,700.00	.....	.....	116,700.00
Special Treasury agents .....	.....	92,078.00	92,078.00	.....	.....	92,078.00
Special Treasury employees.....	.....	45,820.00	45,820.00	.....	.....	45,820.00
Special inspectors of customs .....	.....	81,845.00	81,845.00	.....	183.00	82,028.00
Chinese inspectors .....	.....	62,684.00	62,684.00	.....	.....	62,684.00
Shipping commissioners.....	.....	65,849.53	65,849.53	.....	.....	65,849.53
Internal-revenue agents.....	.....	44,759.00	44,759.00	.....	.....	44,759.00
Coast and Geodetic Survey.....	.....	20,580.25	20,580.25	.....	5,010.93	25,591.18
Total .....	4,449,623.15	5,475,148.13	9,924,771.28	243,110.00	1,803,345.72	11,971,227.00
Custom-house service .....	.....	5,370,869.55	5,370,869.55	.....	965,557.33	6,336,426.88
Internal-Revenue Service .....	.....	3,035,671.81	3,035,671.81	.....	262,595.00	3,298,266.81
Total Treasury Department.....	4,449,623.15	13,881,639.49	18,331,312.64	243,110.00	3,031,498.05	21,605,920.69
War Department .....	1,548,925.00	.....	1,548,925.00	57,260.00	.....	1,606,185.00
Quartermaster's Department at large.....	.....	633,312.50	633,312.50	.....	301,840.25	935,152.75
Subsistence Department at large.....	.....	79,112.00	79,112.00	.....	6,480.00	85,592.00
Medical Department at large .....	.....	26,600.00	26,600.00	.....	4,620.00	31,220.00
Engineer Department at large .....	.....	3,394,297.96	3,394,297.96	.....	794,568.95	4,188,866.91
Engineer Department at large c .....	.....	c 252,937.71	252,937.71	.....	c 1,067,062.29	1,320,000.00
Ordnance Department at large.....	.....	1,129,359.09	1,129,359.09	.....	329,776.87	1,459,135.96

a Many of these positions are being abolished and new ones created with the designation of "mere laborer," to lessen expenditures.  
b Estimated. Sixty-eight employees were paid \$25,591.18; of these 46 are classified. Twenty-two unclassified were paid per diem and 42 classified were paid by the month the sum of \$20,991.18.  
c 846 classified and 3,569 unclassified employees were paid per diem the sum of \$1,320,000.

Distribution of salaries in the executive civil service--Continued.

Departments, bureaus, and offices.	Classified competitive.			Unclassified and excepted.		Aggregate salaries.
	In Washington.	Outside.	Total.	In Washington.	Outside.	
Military Academy .....		\$26,730.00	\$26,730.00		\$720.00	\$720.00
Army clerks and messengers .....		164,620.00	164,620.00			
Pay Department at large .....		52,040.00	52,040.00			
National parks, etc .....		60,645.00	60,645.00		20,792.00	20,792.00
Total War Department .....	\$1,548,925.00	5,819,654.26	7,368,579.26	\$57,260.00	2,525,860.36	2,583,120.36
Department of Justice .....	146,940.00	373,400.00	520,340.00	91,280.00	733,289.00	824,569.00
Post-Office Department:						
Departmental service .....	1,078,601.38	7,664,257.74	8,742,859.12	48,600.00	34,999.26	83,599.26
Post-office service--						
Washington post-office .....	230,914.00		230,914.00	20,000.32		26,000.32
Other first-class offices .....		6,836,386.00	6,836,386.00		769,691.68	769,691.68
Second-class offices .....		800,000.00	800,000.00		717,156.00	717,156.00
Third-class offices .....		3,800.00	3,800.00		354,190.00	354,190.00
Fourth-class offices .....					236,079.00	236,079.00
Free delivery division .....	192,230.67	11,937,366.33	12,129,627.00			
Postmasters, all classes .....				5,000.00	16,556,181.10	16,561,181.10
Total Post-Office Department .....	1,501,776.05	27,241,810.07	28,743,586.12	79,600.32	18,668,297.04	18,747,897.36
Navy Department proper .....	476,231.10		476,231.10	25,665.00		25,665.00
Washington Navy-Yard, pay office, and headquarters .....						
Marine Corps .....	777,636.16		777,636.16	3,200.00		3,200.00
Department outside .....		3,833,750.27	3,833,750.27		33,100.00	33,100.00
Total .....	1,253,867.26	3,833,750.27	5,087,617.53	28,865.00	33,100.00	61,965.00
Interior Department--Bureaus .....	4,252,441.00		4,252,441.00	146,490.00		146,490.00
Land service .....		289,700.25	289,700.25		643,144.32	643,144.32
Indian service--						
Miscellaneous .....		39,155.00	39,155.00		73,160.00	73,160.00
Indian agencies .....		450,818.00	450,818.00		353,992.00	353,992.00
Indian schools .....		842,145.00	842,145.00		148,766.00	148,766.00
Total Indian service .....		1,332,118.00	1,332,118.00		575,918.00	575,918.00

Pension agency service.....	30,720.00	407,640.00	438,360.00	4,000.00	68,000.00	72,000.00	510,360.00
Pension examining surgeons.....		628,600.00	638,600.00				638,600.00
Repairs on Capitol and grounds.....	25,457.32		25,457.32	10,672.00		10,672.00	36,129.32
Miscellaneous.....	200,528.70	26,887.00	227,415.70	10,520.00	64,372.48	74,892.48	302,304.18
Total Interior Department.....	4,509,145.02	2,694,945.25	7,204,090.27	171,682.00	1,351,434.80	1,523,116.80	8,727,207.07
Department of Agriculture.....	667,180.00	949,290.00	1,616,470.00	33,980.00	63,115.70	97,095.70	1,713,565.70
Department of Labor.....	131,840.00		121,840.00	5,480.00		5,480.00	127,320.00
Fish Commission.....	168,660.00		168,660.00	11,780.00		11,780.00	180,440.00
Interstate Commerce Commission.....	157,520.00		157,520.00	37,500.00		37,500.00	195,020.00
Smithsonian Institution.....	212,472.16		212,472.16	31,244.00		31,244.00	243,716.16
Government Printing Office.....	2,483,502.35		2,483,502.35	26,328.62		26,328.62	2,509,830.97
Library of Congress.....				170,900.00		179,900.00	179,900.00
Grand total.....	17,460,850.99	54,794,539.84	72,255,390.33	1,035,069.94	26,406,594.96	27,461,664.89	99,717,055.22

a Total salaries of official force of post-office at Washington, D.C., \$256,914.32. Division into classified and unclassified is estimated.

b Only 650 pension examining surgeons have been reported as subject to civil-service rules.

c Estimated. Actual amount paid 46 classified and 28 unclassified employees, \$36,129.32.

d As adjusted for July 1, 1897.

A COMPARISON OF CLASSIFIED POSITIONS AND SALARIES BY DEPARTMENTS, OFFICES, ETC.

The accompanying table of percentages is based upon the tables of positions and salaries preceding. It shows, in a simpler form, most of the essential facts of those tables. It will be seen that the percentage of classified positions is much higher in the District of Columbia than outside. For example, over 93 per cent of all positions in the District are classified, against 39 per cent outside. If postmasters are excluded, none of whose positions are classified, the percentage of classified positions outside at once rises to 70 per cent, and the percentage classified, for the whole service, rises from 44.72 to 73.71 per cent. The difference still remaining may be largely accounted for by the great number of mere laborers employed outside, some of whom are paid per diem and not employed continuously; others of whom receive a small compensation for services which they render to the Government while still engaged in private business. It will also be noted that while the percentages of positions and salaries are about equal inside the District, the percentage of salaries outside exceeds that of positions by 14 per cent, thus indicating that the best paid positions outside are classified. The departments having the highest percentages of classified positions are the Navy Department, with 99.02 per cent; the Government Printing Office, with 98.74 per cent; while the Department of Labor, Interstate Commerce Commission, Executive Office, Civil Service Commission, State, War, and Navy building, and Fish Commission are each above 90 per cent. At the other end of the list is the Post-Office Department, with 30.10 per cent; the War Department, with 53.62 per cent; the Interior, with 54.46 per cent, and the Department of Justice, with 61.36 per cent.

Table showing percentages of classified positions and salaries in the executive civil service by departments, offices, and commissions.

Department, office, or commission.	Classified in the District of Columbia.		Classified outside.		Classified in the whole department.	
	Positions.	Salaries.	Positions.	Salaries.	Positions.	Salaries.
Executive office .....	90.48—	78.69+	.....	.....	90.48—	78.69+
Civil Service Commission .....	93.55—	83.03+	.....	.....	93.55—	83.03+
State Department .....	78.69—	78.17—	.....	.....	78.69—	78.17—
State, War, and Navy building .....	96.00	90.37—	.....	.....	96.00	90.37—
Custom-House Service .....	.....	.....	87.47+	84.76+	87.47+	84.76+
Internal Revenue Service .....	.....	.....	96.53—	92.30+	96.53—	92.30+
Treasury, excluding Custom-House and Internal Revenue .....	92.78—	94.82—	61.94+	75.22+	70.98—	82.91—
Treasury Department, entire .....	92.78—	94.82—	74.07+	82.08—	78.11+	81.84+
War Department .....	92.46+	96.44—	49.68—	69.73+	53.62+	74.04+
Department of Justice .....	75.91+	61.68+	57.85—	33.74+	61.36+	38.69—
Post-Office Service .....	.....	.....	24.54+	51.73—	24.54+	51.73—
Balance of Post-Office Department .....	94.15+	95.69—	99.54+	99.55—	98.91+	99.05+
Post-Office Department, entire .....	94.15	95.69—	29.53+	59.66+	30.10+	60.53—
Same, excluding postmasters .....	94.15+	95.69—	79.10+	92.83—	79.45+	92.93+
Post-Office Service, excluding same .....	.....	.....	74.67—	90.49—	74.67—	90.49—
Navy Department .....	97.46—	94.89—	99.47—	99.14+	99.02—	98.80—
Interior Department .....	95.28—	96.67—	36.49—	66.60+	54.46+	82.55—
Department of Agriculture .....	93.22—	95.15+	62.91+	93.77—	71.49—	94.33+
Department of Labor .....	96.84+	95.70—	.....	.....	96.84+	95.70—
Fish Commission .....	92.35—	93.47+	.....	.....	92.35—	93.47+
Interstate Commerce Commission .....	96.48—	80.77+	.....	.....	96.48—	80.77+
Smithsonian Institution .....	77.74—	87.18+	.....	.....	77.74—	87.18+
Government Printing Office .....	98.74—	98.95+	.....	.....	98.74—	98.95+
All services .....	93.39—	94.30+	39.53+	67.48+	44.72—	72.46+
Same, excluding postmasters .....	93.39—	94.30+	70.00—	84.77—	73.71—	86.89+



## GROWTH OF THE MERIT SYSTEM SINCE 1883.

## ACTION OF THE PRESIDENT.

The civil-service act was approved on January 16, 1883. It took effect from its passage. One of its provisions allowed vacancies in the service to be filled according to the old methods until July 16; but after that date none within the sphere of its first application could be filled except by persons who had been duly examined. In the Departments at Washington the classification embraced all persons receiving salaries of not less than \$900 nor more than \$1,800 a year—altogether 5,652—of whom 135 were excepted from examination. The classification of the customs service embraced places having an annual compensation of \$900 or over, at ports where 50 or more persons were employed, excluding only those whose nominations had to be confirmed by the Senate. The number of places thus classified, including eleven ports, was 2,573. The number of post-offices classified—being those at which there were 50 or more employees—was 23, and the classified service at these offices included all persons above the grade of workman or laborer except the postmaster, or 5,699 in all. In the three branches of the classified service, therefore, the total number of places made subject to the provisions of the civil-service rules was 13,924. In 1884 the post-offices at Minneapolis, St. Paul, Jersey City, and New Haven, having attained the requisite number of employees, were classified, as was also the Department of Agriculture. During 1884 the classifications of several of the Departments were extended so as to embrace places not theretofore included within them. A detailed history of the changes in the classifications, by their revision, is contained in the Fourth Report of the Commission, at pages 102-114.

On March 1, 1888, President Cleveland made an order classifying the United States Civil Service Commission. On June 29, 1888, the classifications of the departmental service at Washington were revised and extended so as to embrace all the officers, clerks, and other employees in the Departments, except those appointed by the President by and with the advice and consent of the Senate, and those employed merely as messengers, watchmen, workmen, or laborers. Altogether 1,931 places were added to the classified service by this extension. The Railway Mail Service, with 5,320 employees, was classified December 31, 1888. On January 4, 1889, rules for that service were promulgated to take effect March 15, 1889. During the first administration of President Cleveland 16 post-offices, having attained the required 50 employees, were classified. The whole number of places thus added to the classified service, including those in the 16 post-offices just mentioned, was about 8,100, though this does not include the places resulting from the natural growth of the service. On March 4, 1889, the number of classified places in the departmental service was about 8,212, in the customs service about 2,298, and in the postal service about 11,500; making a total, including the Railway Mail Service, of about 27,330 places.

The railway mail rules went into effect under President Harrison on May 1, 1889, instead of March 15, it being found impossible to provide eligible registers at an earlier date. The extensions of the classified service from March 4, 1889, to March 4, 1893, were as follows: On April 13, 1891, the President classified certain classes of school employees and the physicians in the Indian service, about 626 employees in all. On May 5, 1892, the Fish Commission was classified as a part of the departmental service, bringing in 140 employees. Ten post-offices, upon attaining the requisite number of employees (50), were classified, and rules for the Railway Mail Service put into effect. On the 5th of January, 1893, the President amended Postal Rule I so as to include in the classified postal service all free delivery post-offices, adding to that branch of the classified service 548 offices not heretofore classified and the 7,610 persons employed therein. On the same day he amended the classification of the Department of Agriculture so as to include therein the employees of the

Weather Bureau at work elsewhere than at Washington, 314 in number. The whole number of places covered by extensions of classifications during the administration of President Harrison, including those which came under the rules by their automatic operation in the 10 post-offices above mentioned, was about 9,190, besides those resulting from the growth of the service. At the close of the administration of President Harrison there were in the classified service about 42,928 places.

To recapitulate: The original classification of the civil service embraced 13,924 places. On March 4, 1885, the total number of places in the classified service was about 15,573, being an increase of 1,649, including the new post-offices and about 550 places added by Executive order in the revision and extension of the classifications. On March 4, 1889, the total number of places in the classified service was about 27,330, an increase during four years of 11,757, including the new post-offices and 8,100 places added by Executive order. On January 18, 1893, the total was about 42,928, an increase from March 4, 1889, of 15,598 places, including the new post-offices and some 9,190 places added by Executive orders.

During President Cleveland's second term and prior to May 6, 1896, the rules were extended to the Government Printing Office; the Internal-Revenue Service; the pension agencies; messengers, watchmen, and firemen in the Departments at Washington, and other positions; 10,396 in all. On May 6, 1896, a revision of the rules was made, extending the classifications to 31,586 additional positions. At the close of the term the whole number of positions classified was 86,932. During the term 4,283 excepted positions and 310 noncompetitive positions were transferred to the competitive list.

On July 27, 1897, President McKinley completed the classification of the customs service by extending the rules so as to include customs ports having less than five employees.

A table showing the growth of the classified service under successive Presidents since 1883 appears at pages 139-141. A history of the exception of positions from examination and the placing of excepted positions in the competitive class appears at pages 146-153, Fourteenth Report.

TRANSFER OF PLACES FROM THE EXCEPTED TO THE COMPETITIVE CLASS, MARCH 1, 1888, TO JULY, 1, 1899.

The progressive extension of the classified service by legislative and executive act and by natural growth will be seen in the table at page —, which shows the number of positions embraced within the service classified under the civil-service rules, 1883 to 1898:

To the competitive class:

March 20, 1894, appointment clerk, Department of Agriculture .....	1
November 2, 1894, certain superintendents and custodians, etc., at post-offices.....	2,267
May 1, 1894, professors of meteorology, Department of Agriculture.....	3
July 9, November 2, 1894, chiefs and assistant chiefs, Department of Agriculture }	142
May 25, 1895, chiefs and assistant chiefs and experts, Department of Agriculture }	
December 4, 1894, scientific positions in Geological Survey .....	78
July 15, 1895, scientific positions in Geological Survey.....	135
	213
November 17, 1894, steamboat and transfer clerks, Railway Mail Service.....	164
January 3, 1895, superintendents of post-office stations at which carriers are employed .....	128
September 5, 1895, bookbinders, departmental service .....	11
December 2, 1895, temporary and statistical experts, Department of Labor .....	26
March 28, 1896, assistant attorneys and law clerks, Interior Department .....	22
May 6, 1896:	
Departmental service.....	1,038
(In the Departments at Washington, including 142 chiefs of division, 70 assistant chiefs, 200 plate printers, engravers, and the like, and 150 places requiring some special skill or knowledge. The remainder consists chiefly of confidential clerks, apprentices, etc.)	
(All Indians employed in the Indian service at large (about 2,100) are excepted from examination.)	

To the competitive class—Continued.

May 6, 1896—Continued.

Indian service .....	24	
Railway Mail Service .....	118	
		1,180
Customs service .....	37	
Postal service .....	89	

May 29, 1899:

Chief Division of Forestry, Department of Agriculture .....	1	
Foreman, Job Division, Government Printing Office .....	1	
Total .....		4,285

To the noncompetitive class:

July 27, 1897, all positions excepted in the customs and internal revenue services .....	533
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## EXTENSIONS OF THE CLASSIFIED SERVICE MADE SINCE JANUARY 16, 1883.

*January 16, 1883, to March 3, 1885.*

PRESIDENT ARTHUR.

(Approximate.)

Classified by the first order of classification .....	13,924
Extensions of classification .....	1,440
By growth of the service to March 3, 1885—4 post-offices, each attaining 50 employees .....	200
March 3, 1885, number of places classified .....	15,578

*March 4, 1885, to March 3, 1889.*

PRESIDENT CLEVELAND (FIRST TERM).

Extensions of classification:

United States Civil Service Commission, March 1, 1888 .....	8
Revisions of departmental classifications, June 29, 1888 .....	1,931
Railway Mail Service, December 31, 1888, to take effect May 1, 1889* .....	5,320

By growth of the service, 1885 to 1889:

16 post-offices, each attaining 50 employees .....	800
Miscellaneous growth .....	3,698

March 3, 1889, number of places classified .....	27,330
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*March 4, 1889, to March 3, 1893.*

PRESIDENT HARRISON.

Extensions of classification:

School employees and physicians, Indian service, April 18, 1891 .....	626
United States Fish Commission, May 5, 1892 .....	140
Weather Bureau, January 5, 1893 .....	314
548 free-delivery post-offices, January 5, 1893† .....	7,610

By growth of the service, 1889 to 1893:

10 post-offices, each attaining 50 employees .....	500
Other miscellaneous growth. (See note below.) .....	6,408

March 3, 1893, number of places classified .....	42,928
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\* Of the 5,320 employees classified by order of President Cleveland on December 31, 1888, 2,300 were removed between March 4, 1889, and May 1, 1889, under the Administration of President Harrison and their places filled without examination, presumably by Republicans.

† Several hundred of the clerks and carriers at these post-offices were removed under the succeeding Administration; but nevertheless the Commission enforced the classification by all the means in its power, and succeeded in securing the reinstatement of some of the removed employees.

NOTE.—Although not formally classified under the civil-service act, the navy-yard service, with about 5,000 employees, was put under a merit system by Secretary Tracy, with the approval of President Harrison.

# 140 FIFTEENTH REPORT OF CIVIL SERVICE COMMISSION.

*March 4, 1893, to March 3, 1897.*

## PRESIDENT CLEVELAND (SECOND TERM).

### Extensions of classification:

In the Department of Agriculture (Bureau of Animal Industry and Weather Bureau) May 24, 1895.....	787
In the Department of the Interior, July 25, 1894.....	2
In the Post-Office Department, November 2 and December 3, 1894.....	43
Messengers and watchmen in all departments, November 2, 1894.....	808
Firemen in all departments, June 15, 1895.....	94
Census employees (act of Congress of March 4, 1895).....	90
Internal Revenue Service, December 12, 1894.....	2,639
Government Printing Office, June 13, 1895.....	2,709
Pension agencies, July 15, 1895.....	505
Indian service at large, May 11, 1894.....	89
Custom-house service, November 2, 1894.....	1,527
Indian agency and school employees, March 20, 1896.....	743
Revision of rules of May 6, 1896—	
Executive Office.....	21
Civil Service Commission—	
Laborers performing classified duty.....	2
State Department—	
Laborers performing classified duty.....	7
Allotment force under superintendent State, War, and Navy Department building.....	17
Treasury Department—	
Laborers performing classified duty.....	192
Mints and assay offices.....	828
Revenue-Cutter Service.....	161
Life Saving Service.....	1,992
Light-House Service.....	2,270
Marine Hospital Service.....	451
Steamboat-Inspection Service.....	151
Subtreasuries.....	260
Immigration service.....	161
Special Treasury agents.....	36
Special customs inspectors.....	56
Chinese inspectors.....	36
Immigrant inspectors.....	71
Shipping commissioners.....	54
Special Treasury employees.....	33
Field force, Coast Survey.....	46
Internal-revenue agents.....	20
Custodian and janitor service.....	704
Construction of public buildings.....	112
Internal-Revenue Service, deputy collectors.....	899
Miscellaneous positions.....	201
War Department—	
Laborers performing classified duty, and miscellaneous.....	270
Engineer Department at large.....	4,377
Ordnance Department at large.....	1,589
Civilian employees at army and department headquarters.....	173
Various military park commissions.....	58
With Medical, Subsistence, and Quartermaster's departments.....	492
Department of Justice—	
Laborers performing classified duty, and miscellaneous (including 98 assistant attorneys excepted from examination).....	121
Penitentiary, Fort Leavenworth, Kans.....	66
Clerks to district attorneys.....	57
Office deputy marshals and clerical assistants.....	204
Post-Office Department—	
Mail-bag repair shop.....	157
Mail-lock repair shop.....	49
Laborers performing classified duty.....	25
Navy Department—	
Laborers performing classified duty, and miscellaneous.....	119
Clerks at navy yards and naval stations.....	701
Naval Academy.....	12

Extensions of classification—Continued.

Revision of rules of May 6, 1896—Continued.

Navy Department—Continued.

Navy pay officers .....	32
Marine Corps .....	13
Increase of Navy .....	63
Navy-yard service * .....	5, 063

Interior Department—

Laborers performing classified duty .....	98
District land offices .....	190
Offices of surveyors-general .....	216
Alaska school service .....	32
Architect of Capitol force .....	65
Government Hospital for the Insane .....	455
Freedmen's Hospital .....	70
Miscellaneous offices .....	92
Indian service † .....	3, 278
Pension examining surgeons .....	4, 120

Department of Agriculture—

Laborers performing classified duty .....	98
Miscellaneous .....	17

Department of Labor—

Laborers performing clerical duty .....	3
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Fish Commission—

Laborers performing classified duty .....	15
Miscellaneous .....	4

Interstate Commerce Commission .....

Smithsonian Institution .....

Post-office service .....

Government printing service, laborers performing classified duty .....

Internal-Revenue Service .....

By growth of the service—

26 post-offices given free delivery .....	67
2 customs ports attaining 20 employees .....	52
Miscellaneous growth .....	1, 394

March 3, 1897, number of places classified .....

SUMMARY.

President Arthur .....	15, 573
President Harrison .....	15, 598
President Cleveland (first term) .....	11, 757
President Cleveland (second term) .....	44, 004
	86, 932

March 4, 1897, to May 1, 1898.

PRESIDENT MCKINLEY.

Classification, on July 27, 1897, of customs ports having less than 5 employees .....	57
Total places classified May 1, 1898 .....	86, 989

APPROPRIATIONS MADE BY CONGRESS FOR CARRYING OUT THE CIVIL-SERVICE LAW.

The deficiency act of March 3, 1883, provided, in addition to three Commissioners at an annual salary of \$3,500 each, and one chief examiner at \$3,000, for one secretary at \$1,600, one stenographer at \$1,600, and one messenger at \$600, making a total expense for salaries of \$17,300. The first session of the Forty-eighth Congress, in 1885, increased the salary of the secretary \$400, that of the messenger \$240, and provided for a clerk at \$1,200, making a total increase of \$1,840, and reduced the appropriation for traveling expenses from \$4,000 to \$3,500. The second session, in 1886,

\* These positions were placed under the merit system in the preceding Administration.  
† Of the 3,278, 2,061 are Indians excepted from examination.

increased the salary of the stenographer \$200 and gave an additional clerk at \$1,400 and a laborer at \$660, making an increase of \$2,260.

By the appropriation act of July 1, 1886, the clerical force of the Commission was increased by one clerk at \$1,600 and two at \$900, and the appropriation for traveling expenses was restored from \$3,500 to \$1,000. By the appropriation act of March 3, 1887, the Commission obtained an additional clerk at \$1,000, and by the appropriation act of July 11, 1888, an additional clerk at \$1,600, one at \$1,400, and one at \$1,000, besides an increase of \$1,000 in traveling expenses. By the appropriation act of February 26, 1889, \$250 was added to the appropriation for traveling expenses. The total increase under the first administration of President Cleveland was \$10,150.

By the appropriation act of July 11, 1890, the Commission obtained five additional clerks, as follows: One at \$1,800, one at \$1,400, two at \$1,200, and one at \$1,000. In 1891 and 1892 no advance was made. In 1893 the only advance was an increase of \$750 for traveling expenses. The total increase during President Harrison's administration was \$7,350.

From 1883 to 1893 the classified service increased from 13,924 places to about 43,600 and the appropriation for salaries and traveling expenses from \$21,300 to \$42,400.

In 1894 Congress appropriated directly for 36 additional clerks (\$52,000) for the Commission, in lieu of those then detailed from the Departments, and gave also one additional laborer, an engineer, and two watchmen, making a total force, including the Commissioners, of 62 persons, and a total appropriation, including traveling expenses, of \$98,540. In 1895 the Commission obtained \$1,000 additional for traveling expenses. The appropriation of \$1,000 for traveling expenses has been continued since that year. Since 1895 the Commission has received no increase of appropriation for salaries or traveling expenses. A table showing the expenditures for salaries, traveling and contingent expenses, and employees, from 1883 to 1896, appears at pages 117, 118, of the Thirteenth Report.

#### LIMITS OF DISTRICTS, FOR THE PURPOSE OF CERTIFICATION, IN THE VARIOUS "FIELD" SERVICES OF THE CLASSIFIED SERVICE.

Section 9 of Civil-Service Rule VIII provides that—

For filling vacancies in positions outside of the District of Columbia, and in positions in the pension agency, the depot quartermaster's office, and other local offices in the District of Columbia, the territory of the United States shall be arranged in such sections or districts as the Commission may determine; and an eligible shall be certified, in his order, to vacancies in the section or district in which he resides, and upon his written request to vacancies in any one or more of the other sections or districts: *Provided*, That in the custom-house service, post-office service, or internal-revenue service an eligible shall be certified only to vacancies in the customs district, post-office, or internal-revenue district where he was examined.

In pursuance of this section, the following limits of districts or sections for the purpose of certification of eligibles have been made:

For certain positions outside of the District of Columbia registers are made up by districts. The name of each eligible will be entered upon the register for the district in which he resides, and, if indicated in the application, his name will be entered upon the register of any one or more of the other districts, provided he states in writing that he is willing to accept service wherever assigned in the district or districts named by him. In making certifications to such positions, preference will be given to eligibles having a legal residence in the district or vicinity in which the vacancy exists. Whenever an eligible is certified to a position outside of his district, the certification will not be counted as one of the three to which he is entitled unless he be selected for appointment.

#### SHIPPING COMMISSIONERS' OFFICES.

Preference in certification is given to residents of the State in which the vacancy exists.



**IMMIGRATION SERVICE.**

Preference in certification is given to residents of the State in which vacancy occurs.

**GENERAL LAND OFFICE.**

Residents of the States where the service is to be performed will be given preference in certification for appointment. Land offices are located in the following-named States and Territories: Alabama, Alaska, Arizona, Arkansas, California, Colorado, Florida, Idaho, Iowa, Kansas, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Utah, Washington, Wisconsin, Wyoming.

**NAVY-YARD SERVICE.**

Vacancies in the position of clerk, stenographer, typewriter, pressman, compositor, watchman and messenger, special laborer, and draftsman will be filled by certification from existing registers for the Departmental or Government Printing services when not filled by transfer or promotion. Persons who desire to become eligible to such positions should apply for the appropriate examination in the Departmental or Government Printing service. No special examinations for such positions as those named will be held unless technical knowledge is required, and in such cases special examinations will be announced through the newspapers. Vacancies in positions embraced in Schedules A and B will be filled by certification from registers maintained at the several navy-yards, in accordance with regulations governing appointments to such positions. Persons desiring to become eligible to such positions should request application blanks and information from the secretary of the board of labor employment at the navy-yard at which they desire employment.

**TAGGER AND STOCK EXAMINER, DEPARTMENT OF AGRICULTURE.**

For the positions of tagger and stock examiner there are six districts, as follows: No. 1, Iowa, Minnesota, Montana, Nebraska, North Dakota, South Dakota, and Wyoming; No. 2, Arizona, California, Idaho, Nevada, Oregon, Utah, and Washington; No. 3, Arkansas, Colorado, Indian Territory, Kansas, Louisiana, Missouri, New Mexico, Oklahoma, and Texas; No. 4, Alabama, Florida, Georgia, Illinois, Indiana, Kentucky, Michigan, Mississippi, Ohio, Tennessee, and Wisconsin; No. 5, Delaware, District of Columbia, Maryland, New Jersey, New York, North Carolina, Pennsylvania, South Carolina, Virginia, and West Virginia; No. 6, Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont.

**RAILWAY MAIL SERVICE.**

Certification is made of the three names highest in grade on the register from the State or Territory in which the vacancy exists.

**INDIAN SERVICE.**

For positions in Indian schools and Indian agencies there are four districts, as follows: No. 1, the States of Michigan, Wisconsin, Minnesota, Iowa, Nebraska, North Dakota, South Dakota, Montana, and Wyoming; No. 2, the States of Idaho, Washington, Oregon, Nevada, California (north of the thirty-seventh parallel of latitude), and Utah; No. 3, California (south of the thirty-seventh parallel of latitude), Arizona, New Mexico, Oklahoma, Indian Territory, Colorado, Kansas, Missouri, Arkansas, Louisiana, and Texas; No. 4, Alabama, Alaska, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Kentucky, Maine, Massachusetts, Mary-



land, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia.

#### THE PENSION AGENCIES.

For positions in pension agencies there are eighteen districts, as follows: Augusta, Me.; Boston, Mass., including Connecticut and Rhode Island; Buffalo, N. Y., excepting New York City district; Chicago, Ill.; Columbus, Ohio; Concord, N. H., including Vermont; Des Moines, Iowa, including Nebraska; Detroit, Mich.; Indianapolis, Ind.; Knoxville, Tenn., including North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, Texas, and Arkansas; Louisville, Ky.; Milwaukee, Wis., including Minnesota, North Dakota, and South Dakota; New York City, N. Y.; Philadelphia, Pa.; Pittsburg, Pa.; San Francisco, Cal., including Nevada, Oregon, Idaho, Montana, Washington, Wyoming, Alaska, Arizona, and Utah; Topeka, Kans., including Missouri, Colorado, New Mexico, Oklahoma, and Indian Territory; Washington, D. C., including Delaware, Virginia, Maryland, and West Virginia.

The territorial limits of these districts are as follows:

*Augusta (Me.) District.*—The State of Maine.

*Boston (Mass.) District.*—The States of Massachusetts, Connecticut, and Rhode Island.

*Buffalo (N. Y.) District.*—The counties in the State of New York not in the New York City district.

*Chicago (Ill.) District.*—The State of Illinois.

*Columbus (Ohio) District.*—The State of Ohio.

*Concord (N. H.) District.*—The States of New Hampshire and Vermont.

*Des Moines (Iowa) District.*—The States of Iowa and Nebraska.

*Detroit (Mich.) District.*—The State of Michigan.

*Indianapolis (Ind.) District.*—The State of Indiana.

*Knoxville (Tenn.) District.*—The States of North Carolina, Tennessee, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, Texas, and Arkansas.

*Louisville (Ky.) District.*—The State of Kentucky.

*Milwaukee (Wis.) District.*—The States of Wisconsin, Minnesota, North Dakota, and South Dakota.

*New York City (N. Y.) District.*—The counties, in the State of New York, of Albany, Clinton, Columbia, Delaware, Dutchess, Essex, Greene, Kings, Queens, New York, Orange, Putnam, Richmond, Rensselaer, Rockland, Saratoga, Schenectady, Sullivan, Suffolk, Ulster, Warren, Washington, and Westchester.

*Philadelphia (Pa.) District.*—The counties, in the State of Pennsylvania, of Berks, Bradford, Bucks, Carbon, Chester, Columbia, Dauphin, Delaware, Lackawanna, Lancaster, Lebanon, Lehigh, Luzerne, Monroe, Montgomery, Montour, Northampton, Northumberland, Philadelphia, Pike, Schuylkill, Sullivan, Susquehanna, Wayne, Wyoming, and York.

*Pittsburg (Pa.) District.*—The counties in the State of Pennsylvania not in the Philadelphia district.

*San Francisco (Cal.) District.*—The States of California, Nevada, Oregon, Idaho, Montana, Washington, and Wyoming; the Territories of Alaska, Arizona, and Utah.

*Topeka (Kans.) District.*—The States of Missouri, Kansas, and Colorado; the Territories of New Mexico, Oklahoma, and the Indian Territory.

*Washington (D. C.) District.*—The States of Delaware, Virginia, Maryland, and West Virginia; the District of Columbia.

THE STEAMBOAT-INSPECTION SERVICE.

The following limits of territory are established within which persons shall be legal residents in order to be eligible for certification to positions in the Steamboat-Inspection Service:

No.	Local or subdistrict.	Territorial limits.
<i>First supervising inspection district.</i>		
1	District of San Francisco, Cal .....	State of California.
2	District of Portland, Oreg .....	State of Oregon.
3	District of Seattle, Wash.....	State of Washington.
<i>Second supervising district.</i>		
1	District of New York, N. Y.....	First to Seventeenth a Congressional districts of New York and the Fifth to Eighth Congressional districts of New Jersey.
2	District of Albany, N. Y.....	Eighteenth, Nineteenth, and Twentieth New York Congressional districts, including Washington County, in the Twenty-third Congressional district.
3	District of Boston, Mass.....	Sixth to Thirteenth Congressional districts of Massachusetts.
4	District of New London, Conn.....	First and Third Congressional districts of Connecticut.
5	District of New Haven, Conn.....	Second and Fourth Congressional districts of Connecticut.
6	District of Providence, R. I.....	State of Rhode Island.
7	District of Portland, Me.....	First Congressional district of New Hampshire, and First and Second Congressional districts of Maine.
8	District of Bangor, Me .....	Third and Fourth Congressional districts of Maine.
9	District of Philadelphia, Pa.....	First and Second Congressional districts of New Jersey, First to Seventh districts of Pennsylvania, and State of Delaware at large.
<i>Third supervising district.</i>		
1	District of Baltimore, Md.....	First to Fifth Congressional districts of Maryland, the District of Columbia, and the Eighth Congressional district of Virginia.
2	District of Norfolk, Va.....	First, Second, and Third Congressional districts of Virginia, and First Congressional district of North Carolina.
3	District of Charleston, S. C .....	First and Sixth Congressional districts of South Carolina, and Third and Sixth Congressional districts of North Carolina.
4	District of Savannah, Ga .....	First and Eleventh Congressional districts of Georgia.
5	District of Jacksonville, Fla.....	Second Congressional district of Florida.
<i>Fourth supervising district.</i>		
1	District of St. Louis, Mo.....	First, Ninth, Tenth, and Thirteenth Congressional districts of Missouri; Fifteenth, Sixteenth, Eighteenth, Twenty-first, and Twenty-second Congressional districts of Illinois.
<i>Fifth supervising district.</i>		
1	District of Dubuque, Iowa.....	First, Second, Third, and Fourth Congressional districts of Iowa; Ninth and Tenth districts of Illinois, and Third, Seventh, and Tenth Congressional districts of Wisconsin.
2	District of Duluth, Minn .....	First, Third, Fourth, Fifth, and Sixth Congressional districts of Minnesota, and Tenth Congressional district of Wisconsin.
<i>Sixth supervising district.</i>		
1	District of Memphis, Tenn.....	Eighth, Ninth, and Tenth Congressional districts of Tennessee, Second and Third Congressional districts of Mississippi (except the counties of Sharkey, Issaquena, and Warren), and the First, Second, and Third Congressional districts of Arkansas.
2	District of Nashville, Tenn.....	Fourth, Fifth, Sixth, and Seventh Congressional districts of Tennessee.
3	District of Evansville, Ind.....	First and Second Congressional districts of Indiana, and First and Second Congressional districts of Kentucky, and the Nineteenth, Twentieth, and Twenty-second Congressional districts of Illinois.
4	District of Louisville, Ky .....	Fourth, Fifth, and Seventh Congressional districts of Kentucky, and Third Congressional district of Indiana.
<i>Seventh supervising district.</i>		
1	District of Cincinnati, Ohio.....	First, Second, and Sixth Congressional districts of Ohio; Sixth Congressional district of Kentucky.

<sup>a</sup> The Congressional districts referred to are as defined in the Congressional Directory, first session, Fifty Fourth Congress.

The steamboat-inspection service—Continued.

No.	Local or subdistrict.	Territorial limits.
<i>Seventh supervising district—Cont'd.</i>		
2	District of Gallipolis, Ohio.....	Tenth and Eleventh Congressional districts of Ohio, and Ninth Congressional district of Kentucky.
3	District of Wheeling, W. Va.....	First and Second Congressional districts of West Virginia, and the Fifteenth and Sixteenth Congressional districts of Ohio.
4	District of Pittsburg, Pa.....	Twentieth, Twenty-first, Twenty-second, Twenty-third, and Twenty-fourth Congressional districts of Pennsylvania.
<i>Eighth supervising district.</i>		
1	District of Chicago, Ill.....	First to Eighth Congressional districts of Illinois.
2	District of Milwaukee, Wis.....	First, Fourth, Fifth, Sixth, Eighth, and Ninth Congressional districts of Wisconsin.
3	District of Marquette, Mich.....	Twelfth Congressional district of Michigan.
4	District of Grand Haven, Mich.....	Fourth, Fifth, and Ninth Congressional districts of Michigan.
5	District of Detroit, Mich.....	First and Second Congressional districts, and the county of Macomb in the Seventh Congressional district of Michigan.
6	District of Port Huron, Mich.....	Eighth and Tenth Congressional districts of Michigan, and the counties of St. Clair, Sanilac, and Huron, in the Seventh Congressional district.
<i>Ninth supervising district.</i>		
1	District of Buffalo, N. Y.....	Thirty-first, Thirty-second, Thirty-third, and Thirty-fourth (supplemented later) Congressional districts of the State of New York, and the Twenty-sixth Congressional district of Pennsylvania.
2	District of Oswego, N. Y.....	Twenty-fourth Congressional district, and the county of St. Lawrence, in the Twenty-third Congressional district of the State of New York.
3	District of Burlington, Vt.....	Twenty-third Congressional district of the State of New York (excepting the county of St. Lawrence therein) and the First Congressional district of the State of Vermont.
4	District of Cleveland, Ohio.....	Ninth, Thirteenth, Fourteenth, Nineteenth, Twentieth, and Twenty-first Congressional districts of the State of Ohio.
<i>Tenth supervising district.</i>		
1	District of New Orleans, La.....	The State of Louisiana and the Sixth and Seventh Congressional districts of the State of Mississippi, including the counties of Sharkey, Issaquena, and Warren, in the Third district.
2	District of Apalachicola, Fla.....	First Congressional district of Florida.
3	District of Mobile, Ala.....	First and Second Congressional districts of Alabama.
4	District of Galveston, Tex.....	First, Second, Tenth, and Eleventh Congressional districts of Texas.

THE MARINE-HOSPITAL SERVICE.

For the position of steward certification will be made according to grade. For all other positions certification will be made from those living in the locality where the vacancy exists.

All employees at marine hospitals and quarantine stations must be of the male sex and preferably unmarried, as no quarters are furnished for families. At Southern quarantine stations preference will be given to applicants who are shown to be immune to yellow fever.

The employees of the Marine-Hospital Service are distributed throughout the United States, but most of them are employed at the following-named places:

*United States marine hospitals.*—Baltimore, Md.; Boston, Mass.; Cairo, Ill.; Chicago, Ill.; Cincinnati, Ohio; Cleveland, Ohio; Delaware Breakwater, Del.; Detroit, Mich.; Evansville, Ind.; Key West, Fla.; Louisville, Ky.; Memphis, Tenn.; Mobile, Ala.; New Orleans, La.; New York, N. Y.; Philadelphia, Pa.; Portland, Me.; Port Townsend, Wash.; San Francisco, Cal.; St. Louis, Mo.; Vineyard Haven, Mass.; Wilmington, N. C.

*Quarantine stations.*—Brunswick, Ga.; Cape Charles (Fortress Monroe, Va.); Delaware Breakwater (Lewes, Del.); Gulf (Biloxi, Miss.); Port Townsend, Wash.; Reedy Island (via Port Penn, Del.); San Diego, Cal.; San Francisco (Angel Island, Cal.); South Atlantic (via Inverness, Ga.); Southport, N. C.; Tortugas (Key West, Fla.).

## LIGHT-HOUSE SERVICE.

In making certification the limits of the districts, as set forth in the Annual Report of the Light-House Board to the Secretary of the Treasury for the fiscal year ended June 30, 1897, are observed, preference being given to legal residents of the place where the vacancy exists. The districts are as follows:

*First district.*—This district extends from the head of navigation on the St. Croix River, Maine, the northeastern boundary of the United States, to and including Hampton Harbor, New Hampshire. It embraces all aids to navigation on the seacoast of Maine and New Hampshire and on all tidal waters between the limits named.

*Second district.*—This district extends from Hampton Harbor, New Hampshire, to Elisha Ledge, off Warren Point, Rhode Island, but does not include either the harbor or the ledge. It embraces all aids to navigation on the seacoast and tide waters of Massachusetts, excepting those on the Taunton River and that part of Mount Hope Bay lying within the State boundary.

*Third District.*—This district extends from Elisha Ledge, off Warren Point, Rhode Island, to a point on the coast of New Jersey opposite Shrewsbury Rocks, and includes the ledge and the rocks. It embraces all aids to navigation on the coasts of Rhode Island, Connecticut, and New York, and of New Jersey northward of a point opposite Shrewsbury Rocks, and on all tidal waters tributary to the sea or Long Island Sound between the limits named, together with the aids on Whitehall Narrows and on the United States waters of Lakes Champlain and Memphremagog.

*Fourth District.*—This district extends from a point on the coast of New Jersey opposite Shrewsbury Rocks (but does not include the rocks) to and including Metomkin Inlet, Virginia. It embraces all aids to navigation on the seacoast of New Jersey, Delaware, Maryland, and Virginia, and the tidal waters tributary to the sea between the rocks and the inlet.

*Fifth District.*—This district extends from, but does not include, Metomkin Inlet, Virginia, to and including New River Inlet, North Carolina. It embraces all aids to navigation on the seacoast of Virginia and North Carolina between the limits named, all of Chesapeake Bay, and the sounds of North Carolina and tributary waters.

*Sixth District.*—This district extends from, but does not include, New River Inlet, North Carolina, to and including Jupiter Inlet light-station, Florida. It embraces all aids to navigation on the seacoasts, bays, sounds, harbors, rivers, and other tidal waters of North Carolina, South Carolina, Georgia, and Florida between the limits named.

*Seventh district.*—This district extends from a point just south of Jupiter Inlet light station to and including Perdido Entrance, Florida. It embraces all aids to navigation on the sea and Gulf coasts of Florida, and on other tidal waters tributary to the sea and Gulf between the limits named.

*Eighth district.*—This district extends from, but does not include, Perdido Entrance, Florida, to the southern boundary of Texas. It embraces all aids to navigation on the Gulf coast of the United States and tidal waters tributary to the Gulf between the limits named, together with those on the Mississippi River below New Orleans and on Grand Lake and Lake Chicot.

*Ninth district.*—This district includes all aids to navigation on Lake Michigan, Green Bay, and tributary waters lying west of a line drawn across the Straits of Mackinac just east of Old Mackinac Point light station, Michigan.

*Tenth district.*—This district extends from the mouth of the St. Regis River, St. Lawrence River, New York, to the mouth of the river Rouge, Detroit River, Michigan. It embraces all aids to navigation on the United States shores and waters of Lakes Erie and Ontario and the upper part of the St. Lawrence, the Niagara, and the lower part of the Detroit rivers.

*Eleventh district.*—This district extends from the mouth of the river Rouge, Detroit River, Michigan, to the westerly end of Lake Superior. It embraces all

aids to navigation on the United States shores and waters of Lakes St. Clair, Huron, and Superior, the upper part of the Detroit River, the St. Clair and St. Marys rivers, and that part of the Straits of Mackinac lying to the eastward of a line drawn across the straits just to the eastward of the Old Mackinac Point light station, Michigan.

*Twelfth district.*—This district extends from the boundary between California and Mexico to the boundary between California and Oregon. It embraces all aids to navigation on the seacoast, bays, rivers, and other tidal waters of California.

*Thirteenth district.*—This district extends from the boundary between California and Oregon to the northern boundary of the United States, and includes Alaska. It embraces all aids to navigation on the seacoasts of Oregon and Washington, and the United States waters of the Strait of Juan de Fuca, Washington Sound, and the Gulf of Georgia, and on the tidal waters tributary to the sea, strait, sound, and gulf between the limits named, together with those on Alaskan waters.

*Fourteenth district.*—The Fourteenth district extends on the Ohio River from Pittsburg, Pa., to Cairo, Ill., 966 miles; on the Tennessee River, 255½ miles; and on the Great Kanawha, 73½ miles; in all, a distance of 1,295 miles, and embraces all the aids to navigation within these limits.

*Fifteenth district.*—The Fifteenth district extends on the Mississippi River from the head of navigation to Cairo, Ill.; on the Missouri River to Kansas City, Mo., and on the Illinois River from LaSalle to its mouth, being in all a distance of 1,582½ miles, and embraces all the aids to navigation within these limits.

*Sixteenth district.*—The Sixteenth district extends on the Mississippi River from Cairo, Ill., to New Orleans, La., and on the Red River a distance of 8 miles, being in all a distance of 966 miles, and embraces all the aids to navigation within these limits.

#### LIFE-SAVING SERVICE.

For the purpose of establishing registers of eligibles for surfmen to meet the demands of the service, the coast whereon life-saving stations are located is divided into sections as follows:

*First District.*—Section 1, coast of Maine; section 2, coast of New Hampshire. Applications will be received from persons residing on the coast of New Hampshire south of Hampton River for employment in section 1 of the second district.

*Second District.*—Section 1, from the northern boundary of Massachusetts to Barnstable Bay, except City Point Station; section 2, from Barnstable Bay to the eastern boundary of Rhode Island; section 3, City Point Station. The City Point Station consists of a vessel anchored in the harbor of Boston, and the service there requires experienced sailors rather than surfmen.

*Third District.*—Section 1, coast of Rhode Island; section 2, from Montauk Point to and including Quogue Station; section 3, from Quogue to Fire Island Inlet; section 4, from Fire Island Inlet to entrance of New York Bay.

*Fourth District.*—Section 1, from Sandy Hook to Barnegat Inlet; section 2, from Barnegat Inlet to Absecon Inlet; section 3, from Absecon Inlet to Delaware Bay.

*Fifth District.*—Section 1, from Delaware Bay to the northern boundary of Maryland; section 2, from the northern boundary of Maryland to the northern boundary of Virginia; section 3, from the northern boundary of Virginia to entrance to Chesapeake Bay.

*Sixth District.*—Section 1, from entrance to Chesapeake Bay to the northern boundary of North Carolina; section 2, from the northern boundary of North Carolina to Oregon Inlet; section 3, from Oregon Inlet to Ocracoke Inlet; section 4, from Ocracoke Inlet to the northern boundary of South Carolina.

*Seventh District.*—Section 1, coast of South Carolina; section 2, coast of Georgia; section 3, east coast of Florida.

*Eighth District.*—Section 1, west and south coasts of Florida; section 2, coast of Texas.

*Ninth District.*—Section 1, coast of Lakes Ontario and Erie; section 2, Louisville,

Ky. To this district is added section 2, to make provision for the Louisville Station, at the Falls of the Ohio River.

*Tenth District.*—Section 1, coast of Lake Huron; section 2, coast of Lake Superior.

*Eleventh District.*—Section 1, east coast of Lake Michigan; section 2, west coast of Lake Michigan except the Evanston Station; section 3, the Evanston Station. In filling vacancies in the position of surfman at the Evanston Station, preference will be given to students of the Northwestern University.

*Twelfth District.*—Section 1, coast of Washington; section 2, coast of Oregon; section 3, coast of California.

Whenever a vacancy exists at a station the keeper thereof shall make requisition upon the superintendent of the life-saving district in which the station is located for a certification of eligibles, and the superintendent shall certify the names of the three eligibles standing highest on the register for the section in which the vacancy exists who have not been three times certified, and from this certification a selection shall be made.

No certification shall be made of eligibles for one section to a vacancy in another section if there are eligibles residing in the section where the vacancy exists. If there are no such eligibles certification shall be made, in the order of their general averages, of such eligibles in the nearest available section or sections in the district who have expressed in their applications a willingness to accept employment in the section where the vacancy exists.

#### MINT AND ASSAY SERVICE.

Applications for examination may be filed at any time with the board of examiners at the office in which employment is sought. Certification for appointment will be made from the register of eligibles established for the particular office in which the vacancy exists.

The mints and assay offices are:

Philadelphia, Pa.	New York, N. Y.	Boise, Idaho.
San Francisco, Cal.	Deadwood, S. Dak.	St. Louis, Mo.
New Orleans, La.	Denver, Colo.	Charlotte, N. C.
Carson City, Nev.	Helena, Mont.	Seattle, Wash.

#### CADET, REVENUE-CUTTER SERVICE.

There is no division of the country into districts, for the purpose of certification of the eligibility of cadets, in this service, but one register being kept for the entire country.

#### ASSISTANT CUSTODIAN AND JANITOR SERVICE.

Registers are made up for each city, and applicants in a city, or in the vicinity of a city, who pass the examination have their names entered upon a register of eligibles, and are certified for appointment to positions in the Federal building of that city when vacancies exist. Preference in certification to these positions will be given to legal residents of the place where the vacancy exists.

#### SUBTREASURY SERVICE.

Applications for examination may be filed at any time with the board of examiners at the office in which employment is sought. Certification for appointment will be made from the register of eligibles established for the particular office in which the vacancy exists.

#### ENGINEER DEPARTMENT AT LARGE.

Preference in certification will be given to legal residents of the district in which the vacancy occurs. If there are no eligibles in a district when a vacancy or vacancies occur, eligibles in *adjoining* districts are certified for those positions.



150 FIFTEENTH REPORT OF CIVIL SERVICE COMMISSION.

Below will be found a list of the cities in which local boards for the Engineer Department at Large are located :

Baltimore, Md.	Grand Rapids, Mich.	Newport, R. I.	St. Paul, Minn.
Boston, Mass.	Little Rock, Ark.	New York, N. Y.	St. Louis, Mo.
Buffalo, N. Y.	Louisville, Ky.	Norfolk, Va.	San Francisco, Cal.
Charleston, S. C.	Memphis, Tenn.	Oswego, N. Y.	Savannah, Ga.
Chattanooga, Tenn.	Milwaukee, Wis.	Philadelphia, Pa.	Seattle, Wash.
Chicago, Ill.	Mobile, Ala.	Pittsburg, Pa.	Sioux City, Iowa.
Cleveland, Ohio.	Montgomery, Ala.	Portland, Me.	Vicksburg, Miss.
Cincinnati, Ohio.	Nashville, Tenn.	Portland, Oreg.	Washington, D. C.
Detroit, Mich.	New London, Conn.	Rock Island, Ill.	Wilmington, Del.
Duluth, Minn.	New Orleans, La.	St. Augustine, Fla.	Wilmington, N. C.
Galveston, Tex.			

ORDNANCE DEPARTMENT AT LARGE.

The following is a list of the cities in which there are ordnance offices: Benicia, Cal., arsenal; Frankford, Pa., arsenal; New York, N. Y., arsenal; Rock Island, Ill., arsenal; San Antonio, Tex., arsenal; Sandy Hook, N. J., proving ground; Springfield, Mass., armory; Watertown, Mass., arsenal; Watervliet, N. Y., arsenal.

Preference in certification will be given to legal residents of the district in which the vacancy occurs.

FORCE EMPLOYED UNDER THE ARCHITECT OF THE CAPITOL.

For filling positions in the force employed under the Architect of the Capitol, certification will be made according to grade from the proper register, according to qualifications desired.

CUSTOM-HOUSE SERVICE.

In this service eligibles are certified, in the order of their grade, to vacancies in the customs district in which examined, preference being given to eligibles who reside within the district in which the vacancy occurs.

*Customs district headquarters, arranged by States and showing name of districts.*

State.	Customs.	
	Headquarters.	Name of district.
Alabama .....	Mobile.....	Mobile.
Alaska .....	Sitka .....	Alaska.
Arizona .....	Nogales .....	Arizona.
California .....	Eureka .....	Humboldt.
	Los Angeles .....	Los Angeles.
	San Diego .....	San Diego.
	San Francisco.....	San Francisco.
Colorado.....	Denver .....	New Orleans.
Connecticut .....	Bridgeport.....	Fairfield.
	Hartford .....	Hartford.
	New Haven.....	New Haven.
	New London .....	New London.
	Stonington .....	Stonington.
Delaware .....	Wilmington.....	Delaware.
District of Columbia .....	Georgetown .....	Georgetown.
Florida .....	Apalachicola .....	Apalachicola.
	Cedar Keys.....	St. Marks.
	Fernandina.....	Fernandina.
	Jacksonville .....	St. Johns.
	Key West .....	Key West.
	Pensacola .....	Pensacola.
	St. Augustine .....	St. Augustine.
	Tampa .....	Tampa.
Georgia.....	Atlanta.....	
	Brunswick .....	Brunswick.
	Savannah .....	Savannah.
	St. Mary .....	St. Mary.
Illinois .....	Caro .....	New Orleans.
	Chicago .....	Chicago.
	Galena.....	New Orleans.
	Rock Island .....	New Orleans.
	Peoria .....	New Orleans.
Indiana.....	Evansville .....	New Orleans.
	Indianapolis.....	New Orleans.



*Customs district headquarters, arranged by States and showing name of districts—Cont'd.*

State.	Customs.	
	Headquarters.	Name of district.
Iowa.....	Burlington.....	New Orleans.
	Council Bluffs.....	New Orleans.
	Des Moines.....	New Orleans.
	Dubuque.....	New Orleans.
	Sioux City.....	New Orleans.
Kentucky.....	<b>Louisville</b> .....	New Orleans.
	Paducah.....	New Orleans.
Louisiana.....	Brashear.....	Teche.
	<b>New Orleans</b> .....	New Orleans.
Maine.....	<b>Bangor</b> .....	Bangor.
	<b>Bath</b> .....	Bath.
	<b>Belfast</b> .....	Belfast.
	<b>Castine</b> .....	Castine.
	<b>Eastport</b> .....	Passamaquoddy.
	<b>Ellsworth</b> .....	Frenchmans Bay.
	<b>Houlton</b> .....	Aroostook.
	Kennebunk.....	Kennebunk.
	<b>Machias</b> .....	Machias.
	<b>Portland</b> .....	Portland and Falmouth.
	Saco.....	Saco.
	<b>Waldoboro</b> *.....	Waldoboro.
	Wiscasset.....	Wiscasset.
	York.....	York.
Maryland.....	Annapolis.....	Annapolis.
	<b>Baltimore</b> .....	Baltimore.
	Crisfield.....	Eastern District.
Massachusetts.....	Barnstable.....	Barnstable.
	<b>Boston</b> .....	Boston and Charlestown.
	Edgartown.....	Edgartown.
	Fall River.....	Fall River.
	<b>Gloucester</b> .....	Gloucester.
	Marblehead.....	Marblehead.
	Nantucket.....	Nantucket.
	<b>New Bedford</b> .....	New Bedford.
	Newburyport.....	Newburyport.
	Plymouth.....	Plymouth.
	<b>Salem</b> .....	Salem and Beverly.
	Springfield.....	Hartford, Conn.
Michigan.....	<b>Detroit</b> .....	Detroit.
	<b>Grand Haven</b> .....	Michigan.
	Grand Rapids.....	
	<b>Marquette</b> .....	Superior.
	<b>Sault Ste. Marie</b> .....	Superior.
	<b>Port Huron</b> .....	Huron.
Minnesota.....	<b>Duluth</b> .....	Duluth.
	<b>St. Paul</b> .....	Minnesota.
Mississippi.....	Natchez.....	Natchez.
	Schieldsboro.....	Pearl River.
	Vicksburg.....	Vicksburg.
Missouri.....	<b>Kansas City</b> .....	New Orleans.
	St. Joseph.....	New Orleans.
	<b>St. Louis</b> .....	New Orleans.
Montana.....	<b>Great Falls</b> .....	Montana and Idaho.
Nebraska.....	Omaha.....	New Orleans.
	Lincoln.....	New Orleans.
New Hampshire.....	<b>Portsmouth</b> .....	Portsmouth.
New Jersey.....	Bridgeton.....	Bridgeton.
	<b>Newark</b> .....	Newark.
	<b>Perth Amboy</b> .....	Perth Amboy.
	Somers Point.....	Great Egg Harbor.
	Trenton.....	Burlington.
	Tuckerton.....	Little Egg Harbor.
New York.....	<b>Albany</b> .....	New York.
	<b>Buffalo</b> .....	Buffalo Creek.
	<b>Cape Vincent</b> .....	Cape Vincent.
	Dunkirk.....	Dunkirk.
	Greenport.....	Sag Harbor.
	<b>New York</b> .....	New York.
	<b>Ogdensburg</b> .....	Oswegatchie.
	<b>Oswego</b> .....	Oswego.
	Patchogue.....	
	<b>Plattsburg</b> .....	Champlain.
	Port Jefferson.....	
	<b>Rochester</b> .....	Genesee.
	Sag Harbor.....	Sag Harbor.
	<b>Suspension Bridge</b> .....	Niagara.
	Syracuse.....	

\* Communications to the board at Waldoboro, Me., should be addressed to "Rockland, Me."

*Customs district headquarters, arranged by States and showing name of districts—Cont'd.*

State.	Customs.	
	Headquarters.	Name of district.
North Carolina .....	Beaufort.....	Beaufort.
	Edenton .....	Albemarle.
	Newbern .....	Pamlico.
	Wilmington.....	Wilmington.
North Dakota.....	Pembina .....	N. Dak. and S. Dak.
Ohio .....	Cincinnati .....	New Orleans.
	Cleveland.....	Cuyahoga.
	Columbus .....	
	Sandusky .....	Sandusky.
Oregon .....	Toledo.....	Miami.
	Astoria .....	Oregon.
	Coos Bay .....	Southern Oregon.
	Portland.....	Willamette.
Pennsylvania.....	Yaquina.....	Yaquina.
	Erie .....	Erie.
	Philadelphia .....	Philadelphia.
	Pittsburg .....	Pittsburg.
Rhode Island .....	Bristol.....	Bristol and Warren.
	Newport.....	Newport.
	Providence.....	Providence.
	Beaufort.....	Beaufort.
South Carolina .....	Charleston .....	Charleston.
	Georgetown .....	Georgetown.
	Chattanooga.....	New Orleans.
	Memphis.....	New Orleans.
Tennessee .....	Nashville .....	New Orleans.
	Brownsville .....	Brazos de Santiago.
	Corpus Christi.....	Corpus Christi.
	Laredo .....	Corpus Christi.
Texas .....	Eagle Pass .....	Saluria.
	El Paso .....	Paso del Norte.
	Galveston .....	Galveston.
	Burlington.....	Vermont.
Vermont.....	Alexandria .....	Alexandria.
Virginia .....	Cape Charles City .....	Cherrystone.
	Newport News .....	Newport News.
	Norfolk.....	Norfolk and Portsmouth.
	Petersburg .....	Petersburg.
Washington .....	Richmond .....	Richmond.
	Tappahannock .....	Tappahannock.
	Port Townsend .....	Puget Sound.
	Wheeling.....	New Orleans.
West Virginia.....	Milwaukee .....	Milwaukee.
Wisconsin .....	La Crosse.....	New Orleans.

POST-OFFICE SERVICE.

For the purpose of certification the post-office service will be divided into districts, and each district will be considered as embracing all the territory included within the general postal delivery and not necessarily within the limits of the free delivery of that particular office. Eligibles are certified, in the order of their grade, to vacancies occurring in the district in which they were examined, preference being given to eligibles who reside within the district in which the vacancy occurs.

It is the practice of the Post-Office Department in making *initial* appointments at newly classified post-offices to appoint only those eligibles who are residents of the city or vicinity in which such post-office is located.

GOVERNMENT PRINTING SERVICE.

Certifications for appointment to clerical positions and to positions in any of the recognized trades in the Government Printing Office shall be so made as to maintain, as nearly as the conditions of good administration will warrant, the apportionment of such appointments among the several States and Territories and the District of Columbia upon the basis of population according to the number of employees provided by law for that office who are affected by the provisions of this section.—*Sec. 6, Rule VIII.*

INTERNAL-REVENUE SERVICE.

Eligibles are certified, in the order of their grade, to vacancies in the internal-revenue district in which examined, preference being given to legal residents of the district in which the vacancy occurs. The districts are as follows:

*Alabama.*

[Divided into three collection districts May 16, 1865. A portion of the second district consolidated with the first, the consolidated district to be known as the first, March 1, 1877. Third district consolidated with remainder of second, the consolidated district to be known as second, March 1, 1877. First and second districts consolidated and State constituted one district, to be known as the district of Alabama, August 15, 1883.]

*Alaska.*

(See Oregon.)

*Arizona.*

(See New Mexico.)

[Constituted one collection district April 28, 1866. Consolidated with district of New Mexico September 5, 1883.]

*Arkansas.*

[Constituted one collection district March 1, 1865. Divided into three collection districts July 13, 1866. Pulaski County transferred from second to third district April 17, 1875. First, second, and third district consolidated, the consolidated district to be known as the third district of Arkansas, January 1, 1876. Title of district changed and State designated as the district of Arkansas February 23, 1878.]

*California.*

[Divided into five collection districts July 30, 1862. Second district consolidated with the first district April 1, 1871. Third district consolidated with first district May 20, 1873. Fifth district consolidated with fourth district December 1, 1875. State of Nevada consolidated with fourth district of California October 1, 1883. State of Nevada detached from fourth district of California August 1, 1884, and again consolidated with that district July 1, 1887.]

1. The counties of Alameda, Calaveras, Contra Costa, Fresno, Inyo, Kern, Kings, Los Angeles, Madera, Mariposa, Merced, Mono, Monterey, Orange, Riverside, San Benito, San Bernardino, San Diego, San Francisco, San Joaquin, San Luis Obispo, San Mateo, Santa Barbara, Santa Clara, Santa Cruz, Stanislaus, Tulare, Tuolumne, and Ventura.

(Date of present constitution of district May 20, 1873.)

4. The State of Nevada and the following-named counties in the State of California: Alpine, Amador, Butte, Colusa, Del Norte, Eldorado, Glenn, Humboldt, Lake, Lassen, Marin, Mendocino, Modoc, Napa, Nevada, Placer, Plumas, Sacramento, Shasta, Sierra, Siskiyou, Solano, Sonoma, Sutter, Tehama, Trinity, Yolo, and Yuba.

(Date of present constitution of district July 1, 1887.)

*Colorado.*

[Constituted one collection district July 29, 1862. Territory of Wyoming consolidated with district of Colorado August 15, 1883.]

*Connecticut.*

[State divided into four collection districts August 8, 1862. Third district consolidated with first district January 1, 1873. Fourth district consolidated with second district November 1, 1873. First and second districts consolidated and State constituted one district, to be known as the district of Connecticut, September 1, 1883. States of Rhode Island and Connecticut constituted one district, to be known as the district of Connecticut, July 1, 1887.]

*Dakota.*

(See Nebraska.)

[Constituted one collection district July 29, 1862. Consolidated with the district of Nebraska August 20, 1883.]

*Delaware.*

(See Maryland.)

[Constituted one collection district August 11, 1862. Counties of Caroline, Cecil, Dorchester, Kent, Queen Anne, Somerset, Talbot, Wicomico, and Worcester of Maryland added to district of Delaware October 2, 1876. Counties of Accomac and Northampton of Virginia added to district of Delaware June 19, 1877. District of Delaware consolidated with district of Maryland July 1, 1887.]

*Florida.*

[Constituted one collection district May 4, 1865.]

*Georgia.*

[Divided into four collection districts May 30, 1865. Dodge County, formerly partly in second and partly in third districts, made a part of the second district August 9, 1875. Fourth district consolidated with second, November 1, 1876. First district consolidated with third, December 1, 1876. Counties of Rockdale and Newton transferred from third to second district October 1, 1877. Second and third districts consolidated, and State constituted one district, to be known as the district of Georgia, August 7, 1883.]

*Idaho.*

(See Montana.)

[Constituted one collection district July 15, 1864. Consolidated with district of Montana August 20, 1883.]

*Illinois.*

[Divided into thirteen collection districts August 25, 1862. Sixth district consolidated with second, and twelfth with tenth, January 1, 1876. Eleventh district consolidated with thirteenth district January 5, 1876. Ninth district consolidated with fourth district January 20, 1876. Tenth district consolidated with fourth and thirteenth districts October 2, 1876. Third district consolidated with second, August 1, 1883. Seventh district consolidated with eighth, September 1, 1883. Second district consolidated with first district, July 1, 1887. Fourth district consolidated with fifth and eighth districts July 1, 1887.]

1. The counties of Boone, Carroll, Cook, Dekalb, Dupage, Grundy, Jo Daviess, Kane, Kankakee, Kendall, Lake, LaSalle, Lee, McHenry, Ogle, Stephenson, Whiteside, Will, and Winnebago.

(Date of present constitution of district, July 1, 1887.)

5. The counties of Bureau, Henderson, Henry, Knox, Marshall, Mercer, Peoria, Putnam, Rock Island, Stark, and Warren.

(Date of present constitution of district, July 1, 1887.)

8. The counties of Adams, Bond, Brown, Calhoun, Case, Champaign, Christian, Coles, Cumberland, Dewitt, Douglas, Edgar, Ford, Fulton, Greene, Hancock, Iroquois, Jersey, Livingston, Logan, McDonough, McLean, Macon, Macoupin, Mason, Menard, Montgomery, Morgan, Moultrie, Piatt, Pike, Sangamon, Schuyler, Scott, Shelby, Tazewell, Vermilion, and Woodford.

(Date of present constitution of district, July 1, 1887.)

13. The counties of Alexander, Clark, Clay, Clinton, Crawford, Edwards, Effingham, Fayette, Franklin, Gallatin, Hamilton, Hardin, Jackson, Jasper, Jefferson, Johnson, Lawrence, Madison, Marion, Massac, Monroe, Perry, Pope, Pulaski, Randolph, Richland, St. Clair, Saline, Union, Wabash, Washington, Wayne, White, and Williamson.

(Date of present constitution of district, October 2, 1876.)

### *Indian Territory.*

(See Kansas.)

### *Indiana.*

[Divided into eleven collection districts August 15, 1862. Fifth district consolidated with eleventh district October 1, 1875. Third district consolidated with second, eighth with sixth, and ninth with tenth January 1, 1876. Second district consolidated with first, fourth, and sixth districts and part of sixth district transferred to the seventh district October 2, 1876. First district consolidated with seventh and fourth with sixth August 1, 1883. Tenth district consolidated with eleventh August 7, 1883. Eleventh district consolidated with sixth July 1, 1887.]

6. The counties of Adams, Allen, Bartholomew, Benton, Blackford, Brown, Cass, Dearborn, Decatur, Dekalb, Delaware, Elkhart, Fayette, Franklin, Fulton, Grant, Hamilton, Hancock, Hendricks, Henry, Howard, Huntington, Jackson, Jasper, Jay, Jefferson, Jennings, Johnson, Kosciusko, Lagrange, Lake, Laporte, Lawrence, Madison, Marion, Marshall, Miami, Monroe, Morgan, Newton, Noble, Ohio, Porter, Pulaski, Randolph, Ripley, Rush, St. Joseph, Shelby, Starke, Steuben, Switzerland, Tipton, Union, Wabash, Wayne, Wells, White, and Whitley.

(Date of present constitution of district, July 1, 1887.)

7. The counties of Boone, Carroll, Clark, Clay, Clinton, Crawford, Daviess, Dubois, Floyd, Fountain, Gibson, Greene, Harrison, Knox, Martin, Montgomery, Orange, Owen, Parke, Perry, Pike, Posey, Putnam, Scott, Spencer, Sullivan, Tippecanoe, Vanderburg, Vermilion, Vigo, Warren, Warrick, and Washington.

(Date of present constitution of district, August 1, 1883.)

### *Iowa.*

[Divided into six collection districts July 29, 1862. First district consolidated with second and fourth districts October 2, 1876. Sixth district consolidated with third district October 11, 1876. Portions of the fourth and fifth districts consolidated with second district August 20, 1883, and remaining portions of fourth and fifth districts united and designated as fourth district August 20, 1883. Second district consolidated with fourth district July 1, 1887. Counties of Benton, Jones, Linn, and Tama transferred from the fourth to the third district of Iowa February 7, 1898.]

3. The counties of Allamakee, Benton, Blackhawk, Boone, Bremer, Buchanan, Buena Vista, Butler, Calhoun, Carroll, Cerro Gordo, Cherokee, Chickasaw, Clay, Clayton, Crawford, Delaware, Dickinson, Dubuque, Emmet, Fayette, Floyd, Franklin,

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Greene, Grundy, Hamilton, Hancock, Hardin, Howard, Humboldt, Ida, Jones, Kosuth, Linn, Lyon, Marshall, Mitchell, Monona, O'Brien, Osceola, Palo Alto, Pochontas, Plymouth, Sac, Sioux, Story, Tama, Webster, Winnebago, Winneshiek, Woodbury, Worth, and Wright.

(Date of present constitution of district, February 7, 1898.)

4. The counties of Adair, Adams, Appanoose, Audubon, Cass, Cedar, Clarke, Clinton, Dallas, Davis, Decatur, Des Moines, Fremont, Guthrie, Harrison, Henry, Iowa, Jackson, Jasper, Jefferson, Johnson, Keokuk, Lee, Louisa, Lucas, Madison, Mahaska, Marion, Mills, Monroe, Montgomery, Muscatine, Page, Polk, Pottawattamie, Poweshiek, Ringgold, Scott, Shelby, Taylor, Union, Van Buren, Wapello, Warren, Washington, and Wayne.

(Date of present constitution of district, February 7, 1898.)

### *Kansas.*

[Constituted one collection district July 25, 1862. The Indian Territory added to the district of Kansas by Commissioner of Internal Revenue August 8, 1881. Consolidated with district of Kansas by Executive order May 29, 1885. Land lying south of Kansas and Colorado, east of New Mexico, north of Texas, and west of the Indian Territory, designated as "Public land" by the General Land Office, now known as Oklahoma Territory, was attached to district of Kansas March 30, 1886.]

### *Kentucky.*

[Divided into four collection districts August 29, 1862. Divided into six collection districts September 10, 1864. Divided into nine collection districts January 25, 1866. First district consolidated with second, June 1, 1874. Fourth district consolidated with fifth, January 8, 1876. Third district consolidated with second, November 1, 1876. Portions of the seventh and ninth districts united, the consolidated district to be known as the seventh district of Kentucky, August 7, 1883. The remaining portions of the seventh and ninth districts consolidated with eighth district, August 7, 1883. Anderson County transferred from fifth to eighth district, February 1, 1890.]

2. The counties of Allen, Ballard, Barren, Breckinridge, Butler, Caldwell, Calloway, Carlisle, Christian, Clinton, Crittenden, Cumberland, Daviess, Edmonson, Fulton, Graves, Grayson, Hancock, Hart, Henderson, Hickman, Hopkins, Livingston, Logan, Lyon, McCracken, McLean, Marshall, Metcalfe, Monroe, Muhlenberg, Ohio, Russell, Simpson, Todd, Trigg, Union, Warren, and Webster.

(Date of present constitution of district November 1, 1876.)

5. The city of Louisville and the counties of Adair, Bullitt, Casey, Green, Hardin, Henry, Jefferson, Larue, Marion, Meade, Nelson, Oldham, Owen, Shelby, Spencer, Taylor, and Washington.

(Date of present constitution of district February 1, 1890.)

6. The counties of Boone, Bracken, Campbell, Carroll, Gallatin, Grant, Harrison, Kenton, Pendleton, Robertson, and Trimble.

(Date of present constitution of district January 25, 1866.)

7. The counties of Bath, Bourbon, Boyd, Carter, Clark, Elliott, Fayette, Fleming, Franklin, Greenup, Johnson, Lawrence, Lewis, Martin, Mason, Menifee, Montgomery, Morgan, Nicholas, Powell, Rowan, Scott, and Woodford.

(Date of present constitution of district August 7, 1883.)

8. The counties of Anderson, Bell, Boyle, Breathitt, Clay, Estill, Floyd, Garrard, Harlan, Jackson, Jessamine, Knott, Knox, Laurel, Lee, Leslie, Letcher, Lincoln, Madison, Magoffin, Mercer, Owsley, Perry, Pike, Pulaski, Rockcastle, Wayne, Whitley, and Wolfe.

(Date of present constitution of district, February 1, 1890.)

*Louisiana.*

[Constituted one collection district February 16, 1863. Divided into three collection districts June 22, 1865. Parishes of Ascension, Lafourche, and Terrebonne transferred from first to second district April 1, 1875. First, second, and third districts united and State constituted one district, to be known as the district of Louisiana, June 1, 1877. The State of Mississippi consolidated with the district of Louisiana, the two States constituting one district, to be known as the district of Louisiana, July 1, 1887.]

*Maine.*

(See New Hampshire.)

[Divided into five collection districts August 12, 1862. Third district consolidated with second district, and fifth district with fourth, January 1, 1876. Second district consolidated with first district October 2, 1876. First and fourth districts united and State constituted one district, to be known as the district of Maine, July 1, 1877. District of Maine consolidated with district of New Hampshire, July 1, 1887.]

*Maryland.*

[State divided into five collection districts August 27, 1862. Second district consolidated with first December 1, 1871. Fifth district consolidated with third January 1, 1876. The District of Columbia and a portion of the first district of Maryland consolidated with the third district of Maryland October 2, 1876, the remaining portion of the first district of Maryland being added to the district of Delaware October 2, 1876. The third and fourth districts of Maryland consolidated and constituted the district of Maryland August 1, 1883. The district of Delaware, comprising the State of Delaware and those counties of Maryland and Virginia lying between the Susquehanna River and Chesapeake Bay on the west, and Delaware Bay and Atlantic Ocean on the east, consolidated with the district of Maryland July 1, 1887, making the present district of Maryland to consist of the following-named territory: The States of Maryland and Delaware, the District of Columbia, and the counties of Accomac and Northampton of the State of Virginia.]

*Massachusetts.*

[Divided into ten collection districts August 26, 1862. Second, fourth, sixth, seventh, and ninth districts abolished by consolidation with first, third, fifth, eighth, and tenth districts April 1, 1875. First district consolidated with third district September 8, 1876. Eighth district consolidated with tenth district January 1, 1877. Fifth district consolidated with third district August 1, 1883. Tenth district consolidated with third, and State constituted one district to be known as the third district of Massachusetts, July 1, 1887.]

*Michigan.*

[Divided into six collection districts September 17, 1862. Counties of Hillsdale, Lenawee, and Monroe transferred from first to third district May 20, 1873. Second district consolidated with third district September 20, 1876. Fifth district consolidated with first district March 1, 1877. The first and sixth districts and portions of the third and fourth districts consolidated, the consolidated district to be known as the first district of Michigan, August 7, 1883. The remaining portions of the third and fourth districts consolidated, the consolidated district to be known as the fourth district of Michigan, August 7, 1883.]

1. Counties of Alcona, Alger, Alpena, Arenac, Baraga, Bay, Branch, Calhoun, Cheboygan, Chippewa, Clare, Clinton, Crawford, Delta, Dickinson, Genesee, Gladwin, Gogebic, Gratiot, Hillsdale, Houghton, Huron, Ingham, Iosco, Iron, Isabella, Jackson, Keweenaw, Lapeer, Lenawee, Livingston, Luce, Mackinac, Macomb, Marquette,



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Menominee, Midland, Monroe, Montmorency, Oakland, Ogemaw, Ontonagon, Oscoda, Otsego, Presque Isle, Roscommon, Saginaw, Sanilac, Schoolcraft, Shiawassee, St. Clair, Tuscola, Washtenaw, and Wayne.

(Date of present constitution of district August 7, 1883.)

4. Counties of Allegan, Antrim, Barry, Benzie, Berrien, Cass, Charlevoix, Eaton, Emmet, Grand Traverse, Ionia, Kalamazoo, Kalkaska, Kent, Lake, Leelanaw, Manistee, Mason, Mecosta, Missaukee, Montcalm, Muskegon, Newaygo, Oceana, Osceola, Ottawa, St. Joseph, Van Buren, and Wexford.

(Date of present constitution of district August 7, 1883.)

### *Minnesota.*

[Divided into two collection districts August 2, 1862. First and second districts consolidated and State constituted one district, to be known as the district of Minnesota, August 7, 1883.]

### *Mississippi.*

(See Louisiana.)

[State divided into three collection districts June 2, 1865. Third district consolidated with part of second and part of second consolidated with first March 1, 1875. First and second districts consolidated and State constituted one district, to be known as the district of Mississippi, July 1, 1877. District of Mississippi consolidated with district of Louisiana, July 1, 1887.]

### *Missouri.*

[Divided into three collection districts August 28, 1862. Divided into four districts September 24, 1864. Divided into six districts April 27, 1865. Third district consolidated with fourth September 20, 1876. Second district consolidated with first August 1, 1883. Fifth district consolidated with sixth August 7, 1883. Fourth district consolidated with first July 1, 1887.]

1. The counties of Adair, Andrain, Bollinger, Boone, Butler, Callaway, Cape Girardeau, Carter, Clark, Crawford, Dent, Dunklin, Franklin, Gasconade, Howard, Iron, Jefferson, Knox, Lewis, Lincoln, Linn, Macon, Madison, Maries, Marion, Mississippi, Montgomery, Monroe, New Madrid, Oregon, Osage, Pemiscot, Perry, Phelps, Pike, Pulaski, Ralls, Randolph, Reynolds, Ripley, St. Charles, St. François, Ste. Genevieve, St. Louis, Schuyler, Scotland, Scott, Shannon, Shelby, Stoddard, Warren, Washington, and Wayne.

(Date of present constitution of district July 1, 1887.)

6. The counties of Andrew, Atchison, Barry, Barton, Bates, Benton, Buchanan, Caldwell, Camden, Carroll, Cass, Cedar, Chariton, Christian, Clay, Clinton, Cole, Cooper, Dade, Dallas, Daviess, Dekalb, Douglas, Gentry, Greene, Grundy, Harrison, Henry, Hickory, Holt, Howell, Jackson, Jasper, Johnson, Laclede, Lafayette, Lawrence, Livingston, McDonald, Mercer, Miller, Moniteau, Morgan, Newton, Nodaway, Ozark, Pettis, Platte, Polk, Putnam, Ray, St. Clair, Saline, Stone, Sullivan, Taney, Texas, Vernon, Webster, Worth, and Wright.

(Date of present constitution of district August 7, 1883.)

### *Montana.*

[Constituted one collection district July 15, 1864. Districts of Utah and Idaho consolidated with district of Montana August 20, 1883. Territory of Utah detached from district of Montana and united with Nevada August 1, 1884. Territory of Utah again incorporated in district of Montana July 1, 1887.]

### *Nebraska.*

[Constituted one collection district July 29, 1862. District of Dakota (comprising present States of North Dakota and South Dakota) consolidated with district of Nebraska August 20, 1883.]

*Nevada.*

(See fourth California.)

[Constituted one collection district July 29, 1862. Consolidated with fourth district of California October 1, 1883. Detached from fourth district California and consolidated with Utah, consolidated district to be known as the district of Nevada, August 1, 1884. District of Nevada abolished and State of Nevada consolidated with fourth California July 1, 1887.]

*New Hampshire.*

[State divided into three collection districts August 6, 1862. First, second, and third districts united and made one district, to be known as first district of New Hampshire, December 10, 1875. Designated as district of New Hampshire March 17, 1882. Districts of Maine and Vermont consolidated with district of New Hampshire July 1, 1887.]

*New Jersey.*

[Divided into five collection districts August 11, 1862. Second district consolidated with first January 7, 1876. Fourth district consolidated with fifth January 1, 1876. Third district consolidated with fifth July 1, 1887.]

1. The counties of Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Mercer, Monmouth, Ocean, and Salem.

(Date of present constitution of district January 7, 1876.)

5. The counties of Bergen, Essex, Hudson, Hunterdon, Middlesex, Morris, Passaic, Somerset, Sussex, Union, and Warren.

(Date of present constitution of district July 1, 1887.)

*New Mexico.*

[Constituted one collection district July 29, 1862. District of Arizona consolidated with district of New Mexico September 5, 1883.]

*New York.*

[Divided into thirty-two collection districts August 22, 1862. Second and third districts consolidated with first district March 1, 1871. Fourth and sixth districts consolidated and designated the second district March 1, 1871. Fifth and seventh districts consolidated and designated the third district March 1, 1871. Thirty-first district consolidated with twenty-seventh district June 1, 1872. Eighth and ninth districts consolidated and designated the fourth district April 1, 1874. Twenty-fifth district consolidated with twenty-eighth district November 1, 1875. Districts consolidated January 1, 1876, as follows: Tenth with twelfth; thirteenth with eleventh; eighteenth with fourteenth; sixteenth with fifteenth; seventeenth with twentieth; nineteenth with twenty-sixth; twenty-second with twenty-first; twenty-third with twenty-fourth, and twenty-ninth with thirtieth. Twenty-seventh district consolidated with twenty-eighth and thirtieth districts, and twentieth district consolidated with twenty-first, October 2, 1876. The thirty-second district and portions of the second and third districts consolidated and designated the second district July 1, 1877. The fourth district and remaining portions of the second and third districts consolidated and designated the third district July 1, 1877. Niagara county transferred from thirtieth to twenty-eighth district August 1, 1877. Twenty-fourth and twenty-sixth districts consolidated with twenty-first district July 25, 1883. Eleventh district and a portion of the twelfth district consolidated with fourteenth district August 1, 1883. Remainder of the twelfth district consolidated with the fifteenth district August 1, 1883. Thirtieth district consolidated with twenty-eighth district August 7, 1883. Fifteenth district consolidated with fourteenth district July 1, 1887.]

1. The counties of Kings, Queens, Richmond, and Suffolk.

(Date of present constitution of district, March 1, 1871.)

2. The First, Second, Third, Fourth, Fifth, Sixth, Eighth, Ninth, and Fifteenth wards of New York City; that portion of the Fourteenth Ward lying west of the center of Mott street; that portion of the Sixteenth Ward lying south of the center of West Twenty-fourth street, and Governors Island.

(Date of present constitution of district, July 1, 1877.)

3. The Seventh, Tenth, Eleventh, Twelfth, Thirteenth, Seventeenth, Eighteenth, Nineteenth, Twentieth, Twenty-first and Twenty-second wards of New York City; that part of the Fourteenth Ward lying east of the center of Mott street; that part of the Sixteenth Ward lying north of the center of West Twenty-fourth street, and Blackwells, Randalls and Wards islands.

(Date of present constitution of district, July 1, 1877.)

14. The counties of Albany, Clinton, Columbia, Dutchess, Essex, Fulton, Greene, Hamilton, Montgomery, Orange, Putnam, Rensselaer, Rockland, Saratoga, Schenectady, Schoharie, Sullivan, Ulster, Warren, Washington, and Westchester, and the Twenty third and Twenty-fourth wards of New York City.

(Date of present constitution of district, July 1, 1887.)

21. The counties of Broome, Cayuga, Chenango, Cortland, Delaware, Franklin, Herkimer, Jefferson, Lewis, Madison, Oneida, Onondaga, Oswego, Otsego, St. Lawrence, Schuyler, Seneca, Tioga, Tompkins, and Wayne.

(Date of present constitution of district, July 25, 1883.)

28. The counties of Allegany, Cattaraugus, Chautauqua, Chemung, Erie, Genesee, Livingston, Monroe, Niagara, Ontario, Orleans, Steuben, Wyoming, and Yates.

(Date of present constitution of district, August 7, 1883.)

#### *North Carolina.*

[Divided into two collection districts May 10, 1865. Divided into three collection districts May 30, 1865. Divided into seven collection districts February 27, 1866. New Hanover County transferred from second to third district July 1, 1870. First district consolidated with second, and third with fourth, February 1, 1876. Seventh district consolidated with sixth district January 1, 1877. Second district and a portion of the fourth district united, the consolidated district to be known as the fourth district of North Carolina, July 21, 1883. The remaining portion of the fourth district consolidated with the fifth district July 21, 1883. Fifth district abolished by consolidation with fourth and sixth districts February 1, 1885. Fifth district reestablished and organization of July 21, 1883, restored June 1, 1885. A portion of the fifth district consolidated with fourth district July 1, 1887. Sixth district consolidated with remaining portion of fifth district, the consolidated district to be known as the fifth district of North Carolina, July 1, 1887.]

4. The counties of Alamance, Beaufort, Bertie, Bladen, Brunswick, Camden, Carteret, Caswell, Chatham, Chowan, Columbus, Craven, Cumberland, Currituck, Dare, Duplin, Durham, Edgecombe, Franklin, Gates, Granville, Greene, Guilford, Halifax, Harnett, Hertford, Hyde, Johnston, Jones, Lenoir, Martin, Montgomery, Moore, Nash, New Hanover, Northampton, Onslow, Orange, Pamlico, Pasquotank, Pender, Perquimans, Person, Pitt, Randolph, Richmond, Robeson, Rockingham, Sampson, Tyrrell, Vance, Wake, Warren, Washington, Wayne, and Wilson.

(Date of present constitution of district, July 1, 1887.)

5. The counties of Alexander, Alleghany, Anson, Ashe, Buncombe, Burke, Cabarrus, Caldwell, Catawba, Cherokee, Clay, Cleveland, Davidson, Davie, Forsyth, Gaston, Graham, Haywood, Henderson, Iredell, Jackson, Lincoln, McDowell, Macon, Madison, Mecklenburg, Mitchell, Polk, Rowan, Rutherford, Stanly, Stokes, Surry, Swain, Transylvania, Union, Watauga, Wilkes, Yadkin, and Yancey.

(Date of present constitution of district, July 1, 1887.)

#### *North Dakota.*

(See Nebraska.)

*Ohio.*

[Divided into nineteen collection districts August 19, 1862. Second district consolidated with first April 1, 1871. Fifth district consolidated with fourth, ninth with tenth, twelfth with eleventh, fourteenth with thirteenth, and sixteenth with fifteenth, January 1, 1876. Seventeenth and nineteenth districts consolidated with eighteenth, January 1, 1876. Eighth district consolidated with seventh, January 5, 1876. Thirteenth district consolidated with seventh and eighteenth, October 2, 1876. Seventh district consolidated with eleventh, July 25, 1883. Third district consolidated with sixth district, fourth with tenth, and fifteenth with eighteenth, August 1, 1883. Sixth district consolidated with first, July 1, 1887. Clarke and Greene counties transferred from the eleventh to the first district of Ohio, July 1, 1898. Counties of Athens, Guernsey, Meigs, Morgan, Noble, and Washington transferred from the eighteenth to the eleventh district of Ohio, July 1, 1898. Richland County transferred from the eleventh to the eighteenth district of Ohio, July 1, 1898.]

1. The counties of Brown, Butler, Clarke, Clermont, Clinton, Fayette, Greene, Hamilton, Highland, Montgomery, Preble, and Warren.

(Date of present constitution of district July 1, 1898.)

10. The counties of Allen, Auglaize, Champaign, Crawford, Darke, Defiance, Erie, Fulton, Hancock, Hardin, Henry, Huron, Logan, Lucas, Mercer, Miami, Ottawa, Paulding, Putnam, Sandusky, Seneca, Shelby, Van Wert, Williams, Wood, and Wyandot.

(Date of present constitution of district August 1, 1883.)

11. The counties of Adams, Athens, Coshocton, Delaware, Fairfield, Franklin, Gallia, Guernsey, Hocking, Jackson, Knox, Lawrence, Licking, Madison, Marion, Meigs, Morgan, Morrow, Muskingum, Noble, Perry, Pickaway, Pike, Ross, Scioto, Union, Vinton, and Washington.

(Date of present constitution of district July 1, 1898.)

18. The counties of Ashland, Ashtabula, Belmont, Carroll, Columbiana, Cuyahoga, Geauga, Harrison, Holmes, Jefferson, Lake, Lorain, Mahoning, Medina, Monroe, Portage, Richland, Stark, Summit, Trumbull, Tuscarawas, and Wayne.

(Date of present constitution of district July 1, 1898.)

*Oklahoma.*

(See Kansas.)

*Oregon.*

[Constituted one collection district July 30, 1862. Territory of Alaska added by Commissioner of Internal Revenue to district of Oregon December 27, 1872. District of Washington Territory (now State of Washington) consolidated with district of Oregon September 1, 1883.]

*Pennsylvania.*

[Divided into twenty-four collection districts August 1, 1862. Third district consolidated with first April 1, 1871. Fourth district consolidated with second January 1, 1872. Seventh district consolidated with ninth January 1, 1875. Second district consolidated with first August 1, 1875. Sixth district consolidated with fifth, tenth, and eighth, and thirteenth with twelfth, January 1, 1876. Twenty-fourth district consolidated with twenty-second and twenty-third January 1, 1876. Seventeenth district consolidated with sixteenth September 16, 1876. Fifth district consolidated with first and eighth districts October 2, 1876. A portion of the ninth district consolidated with first October 2, 1876. Fifteenth district consolidated with remaining portion of ninth district, whole to be known as the ninth district, October 2, 1876. Eleventh

district consolidated with twelfth, and eighteenth with fourteenth, October 2, 1876. A portion of the nineteenth district and a portion of the twenty-third district consolidated with twentieth district, the consolidated district to be known as the twentieth, October 2, 1876. Another portion of the nineteenth district, the remainder of the twenty-third district, and a portion of the twenty-first district, united, forming one district, to be known as the twenty-third, October 2, 1876. Remainder of nineteenth district constituted one district, to be known as the nineteenth district, October 2, 1876. Remainder of twenty-first district consolidated with the twenty-second district October 2, 1876. Twentieth district consolidated with nineteenth district August 1, 1883. A portion of the eighth district consolidated with first district August 15, 1883. Remainder of eighth district and portions of the fourteenth and sixteenth districts consolidated with the ninth district August 15, 1883. Remainder of fourteenth district consolidated with twelfth district August 15, 1883. A portion of the sixteenth district consolidated with twenty-second district August 15, 1883. Remainder of sixteenth district consolidated with twenty-third district August 15, 1883. County of Bedford of twenty-second district and counties of Blair and Huntingdon of twenty-third district transferred to ninth district July 1, 1887. Nineteenth district and remainder of twenty-second district consolidated with remainder of twenty-third district, the consolidated district to be known as the twenty-third, July 1, 1887.]

1. The counties of Berks, Bucks, Chester, Delaware, Lehigh, Montgomery, Philadelphia, and Schuylkill.

(Date of present constitution of district, August 15, 1883.)

9. The counties of Adams, Bedford, Blair, Cumberland, Dauphin, Franklin, Fulton, Huntingdon, Juniata, Lancaster, Lebanon, Mifflin, Perry, Snyder, and York.

(Date of present constitution of district, July 1, 1887.)

12. The counties of Bradford, Carbon, Center, Clinton, Columbia, Lackawanna, Luzerne, Lycoming, Monroe, Montour, Northampton, Northumberland, Pike, Potter, Sullivan, Susquehanna, Tioga, Union, Wayne, and Wyoming.

(Date of present constitution of district, August 15, 1883.)

23. The counties of Allegheny, Armstrong, Beaver, Butler, Cambria, Cameron, Clarion, Clearfield, Crawford, Elk, Erie, Fayette, Forest, Greene, Indiana, Jefferson, Lawrence, McKean, Mercer, Somerset, Venango, Warren, Washington, and Westmoreland.

(Date of present constitution of district July 1, 1887.)

#### *Rhode Island.*

(See Connecticut.)

[Divided into two collection districts August 8, 1862. First and second districts consolidated and designated first district of Rhode Island November 15, 1873. State designated as district of Rhode Island May 16, 1885. District of Rhode Island consolidated with district of Connecticut July 1, 1887].

#### *South Carolina.*

[Divided into three collection districts May 30, 1865. The county of Aiken, then recently formed, attached to third district June 16, 1875. First district consolidated with third district June 1, 1876. Second and third districts united, and State constituted one district, to be known as the district of South Carolina, November 1, 1876.]

#### *South Dakota.*

(See Nebraska.)



*Tennessee.*

[Divided into two collection districts February 7, 1863. Divided into eight collection districts September 22, 1865. Reorganized and again divided into eight collection districts May 19, 1866. Sixth district consolidated with fifth, and seventh with eighth, January 1, 1876. First district consolidated with second district October 11, 1876. Third and fourth districts consolidated with fifth October 2, 1876. A portion of the fifth district transferred to second district August 10, 1883. Remaining portion of fifth united with eighth and designated as the fifth district of Tennessee August 10, 1883.]

2. The counties of Anderson, Bledsoe, Blount, Bradley, Campbell, Carter, Claiborne, Cocke, Cumberland, Fentress, Grainger, Greene, Hamblen, Hamilton, Hancock, Hawkins, James, Jefferson, Johnson, Knox, Loudon, McMinn, Marion, Meigs, Monroe, Morgan, Polk, Rhea, Roane, Scott, Sequatchie, Sevier, Sullivan, Unicoi, Union, and Washington.

(Date of present constitution of district August 10, 1883.)

5. The counties of Bedford, Benton, Cannon, Carroll, Cheatham, Chester, Clay, Coffee, Crockett, Davidson, Decatur, Dekalb, Dickson, Dyer, Fayette, Franklin, Gibson, Giles, Grundy, Hardeman, Hardin, Haywood, Henderson, Henry, Hickman, Houston, Humphreys, Jackson, Lake, Lauderdale, Lawrence, Lewis, Lincoln, McNairy, Macon, Madison, Marshall, Maury, Montgomery, Moore, Obion, Overton, Perry, Pickett, Putnam, Robertson, Rutherford, Shelby, Smith, Stewart, Sumner, Tipton, Tronsdale, Van Buren, Warren, Wayne, Weakley, White, Williamson, and Wilson.

(Date of present constitution of district August 10, 1883.)

*Texas.*

[Divided into four collection districts June 5, 1865. Second district consolidated with first district December 1, 1874. First, third, and fourth districts reorganized October 1, 1881. First district consolidated with third July 1, 1887.]

3. The counties of Angelina, Aransas, Atascosa, Austin, Bandera, Bastrop, Bee, Bell, Bexar, Blanco, Brazoria, Brazos, Brewster, Brown, Bachel, Burleson, Burnet, Caldwell, Calhoun, Cameron, Chambers, Coke, Coleman, Colorado, Comal, Concho, Coryell, Crane, Crockett, Dewitt, Dimmit, Duval, Ector, Edwards, El Paso, Encinal, Falls, Fayette, Foley, Fort Bend, Frio, Galveston, Gillespie, Glasscock, Goliad, Gonzales, Grimes, Guadalupe, Hamilton, Hardin, Harris, Hays, Hidalgo, Houston, Irion, Jackson, Jasper, Jeff Davis, Jefferson, Karnes, Kendall, Kerr, Kimble, Kinney, Lampasas, Lasalle, Lavaca, Lee, Leon, Liberty, Live Oak, Llano, Loving, McCulloch, McLennan, McMullen, Madison, Mason, Matagorda, Maverick, Medina, Menard, Midland, Milam, Mills, Montgomery, Newton, Nueces, Orange, Pecos, Polk, Presidio, Reeves, Refugio, Robertson, Runnels, Sabine, San Augustine, San Jacinto, San Patricio, San Saba, Schleicher, Starr, Sterling, Sutton, Tom Green, Travis, Trinity, Tyler, Upton, Uvalde, Valverde, Victoria, Walker, Waller, Ward, Washington, Webb, Wharton, Williamson, Wilson, Winkler, Zapata, and Zavalla.

(Date of present constitution of district July 1, 1887.)

4. The counties of Anderson, Andrews, Archer, Armstrong, Bailey, Baylor, Borden, Bosque, Bowie, Briscoe, Callahan, Camp, Carson, Cass, Castro, Cherokee, Childress, Clay, Cochran, Collin, Collingsworth, Comanche, Cooke, Cottle, Crosby, Dallam, Dallas, Dawson, Deaf Smith, Delta, Denton, Dickens, Donley, Eastland, Ellis, Erath, Fannin, Fisher, Floyd, Foard, Franklin, Freestone, Gaines, Garza, Gray, Grayson, Greer, Gregg, Hale, Hall, Hansford, Hardeman, Harrison, Hartley, Haskell, Hemphill, Henderson, Hill, Hockley, Hood, Hopkins, Howard, Hunt, Hutchinson, Jack, Johnson, Jones, Kaufman, Kent, King, Knox, Lamar, Lamb, Limestone, Lipscomb, Lubbock, Lynn, Marion, Martin, Mitchell, Montague, Moore, Morris, Motley, Nacogdoches, Navarro, Nolan, Ochiltree, Oldham, Palo Pinto, Panola, Parker, Parmer, Potter, Rains, Randall, Red River, Roberts, Rockwall, Rusk, Scurry, Shackelford, Shelby,

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Sherman, Smith, Somervell, Stephens, Stonewall, Swisher, Tarrant, Taylor, Terry, Throckmorton, Titus, Upshur, Van Zandt, Wichita, Wilbarger, Wise, Wheeler, Wood, Yoakum, and Young.

(Date of present constitution of district October 1, 1881.)

### *Utah.*

(See Montana.)

[Constituted one collection district July 29, 1862. Consolidated with the district of Montana August 20, 1883. Transferred to the district of Nevada August 1, 1884. Detached from the Nevada district and again consolidated with the district of Montana July 1, 1887.]

### *Vermont.*

(See New Hampshire.)

[Divided into three collection districts August 6, 1862. First district consolidated with a portion of the third and designated the third district February 1, 1874. Remainder of third district consolidated with second February 1, 1874. Third district consolidated with second, State forming one district, known as second district of Vermont, December 15, 1875. Designated as the district of Vermont May 7, 1881. Consolidated with district of New Hampshire July 1, 1887.]

### *Virginia.*

[First and second districts established October 10, 1862. Third and fourth districts established October 16, 1862. First and second districts became districts of West Virginia on admission of that State June 19, 1862. State of Virginia reorganized and divided into four districts May 3, 1865. Divided into eight districts April 23, 1866. First district consolidated with second December 1, 1874. Boundaries of fourth and fifth districts altered April 1, 1875. Seventh district consolidated with sixth district October 2, 1876. Eighth district consolidated with fifth district December 1, 1876. Counties of Accomac and Northampton transferred from second district of Virginia to district of Delaware June 19, 1877. Portions of the third, fourth, and fifth districts consolidated with second district August 15, 1883. Portions of the fifth and sixth districts united with remainder of fourth district, the consolidated district to be known as the fourth, August 15, 1883. Remaining portions of third and fifth districts united with remainder of sixth district, the consolidated district to be known as the sixth, August 15, 1883. Fourth district consolidated with sixth district July 1, 1887.]

2. The counties of Amelia, Appomattox, Brunswick, Buckingham, Caroline, Charles City, Charlotte, Chesterfield, Cumberland, Dinwiddie, Elizabeth City, Essex, Fluvanna, Gloucester, Goochland, Greenville, Hanover, Henrico, Isle of Wight, James City, King and Queen, King George, King William, Lancaster, Louisa, Lunenburg, Mathews, Middlesex, Nansemond, New Kent, Norfolk, Northumberland, Nottoway, Powhatan, Prince Edward, Prince George, Princess Anne, Richmond, Stafford, Southampton, Spotsylvania, Surry, Sussex, Warwick, Westmoreland, and York.

(Date of present constitution of district August 15, 1883.)

6. The counties of Albemarle, Alexandria, Alleghany, Amherst, Augusta, Bath, Bedford, Bland, Botetourt, Buchanan, Campbell, Carroll, Clarke, Craig, Culpeper, Dickenson, Fairfax, Fauquier, Floyd, Franklin, Frederick, Giles, Grayson, Greene, Halifax, Henry, Highland, Lee, Loudoun, Madison, Mocklenburg, Montgomery, Nelson, Orange, Page, Patrick, Pittsylvania, Prince William, Pulaski, Rappahannock, Roanoke, Rockbridge, Rockingham, Russell, Scott, Shenandoah, Smyth, Tazewell, Warren, Washington, Wise, and Wythe.

(Date of present constitution of district July 1, 1887.)



*Washington.*

(See Oregon.)

[Constituted one collection district July 30, 1862. Attached to district of Oregon September 1, 1883.]

*West Virginia.*

[The first and second districts of Virginia became first and second districts of West Virginia on admission of last-named State, June 19, 1863. State reorganized and divided into three collection districts, August 2, 1865. Wood County transferred from third to first district, March 14, 1886. Third district consolidated with first, October 2, 1876. First and second districts united, the consolidated district designated as district of West Virginia, August 1, 1883.]

*Wisconsin.*

[Divided into six collection districts August 26, 1862. Third district consolidated with second, July 1, 1871. Fourth and fifth districts consolidated, and district thus formed designated the third district of Wisconsin, March 1, 1872. Third district consolidated with first, and sixth with second, July 1, 1887.]

1. Counties of Brown, Calumet, Dodge, Door, Florence, Fond du Lac, Forest, Green Lake, Kenosha, Kewannee, Manitowoc, Marinette, Marquette, Milwaukee, Oconto, Outagamie, Ozaukee, Racine, Shawano, Sheboygan, Walworth, Washington, Waukesha, Waupaca, Waushara, Winnebago, and county of Langlade, with exception of the eight townships of said county which were formerly in Lincoln County.

(Date of present constitution of district July 1, 1887.)

2. Counties of Adams, Ashland, Barron, Bayfield, Buffalo, Burnett, Chippewa, Clark, Columbia, Crawford, Dane, Douglas, Dunn, Eau Claire, Grant, Green, Iowa, Iron, Jackson, Jefferson, Juneau, La Crosse, Lafayette, Lincoln, Marathon, Monroe, Oneida, Pepin, Pierce, Polk, Portage, Price, Richland, Rock, St. Croix, Sauk, Sawyer, Taylor, Trempealeau, Vernon, Vilas, Washburn, Wood, and the eight townships in the western part of Langlade County, which were formerly in Lincoln County.

(Date of present constitution of district July 1, 1887.)

*Wyoming.*

(See Colorado.)

[Constituted one collection district April 8, 1869. Consolidated with district of Colorado August 15, 1883.]



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## **PART IV.**

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**DECISIONS OF COURTS AND OPINIONS OF LAW OFFICERS  
UPON CIVIL SERVICE STATUTES AND RULES,  
BOTH FEDERAL AND STATE, DECISIONS  
OF THE COMMISSION, ETC.**

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## PART IV.—DECISIONS OF COURTS AND OPINIONS OF LAW OFFICERS UPON CIVIL SERVICE STATUTES AND RULES, BOTH FEDERAL AND STATE, DECISIONS OF THE COMMISSION, ETC.

[See also Fourteenth Report of United States Civil Service Commission, page 199.]

### PUBLIC OFFICE IN THE UNITED STATES.

Public office can be obtained and exercised only by a duly and legally authorized election or appointment. Contracts for the buying, selling, or procuring public offices are utterly void as contrary to the soundest public policy, and, indeed, as a constructive fraud upon the Government, such contracts being void at common law, whether prohibited and made void by statute or not. The right of appointment is not the property of the appointing officer, and he has no right to barter it or dispose of it, and an agreement to appoint is likewise void. Agreements to procure or control appointments to public office or agreements to aid another in obtaining an appointment, based upon a consideration contingent upon success, or promises to use personal influence to procure an appointment to office, are contrary to public policy and void, without reference to whether improper means are contemplated or used in procuring the appointment.

\* \* \* \* \*

The civil-service laws are constitutional and valid. An appointment or employment in violation of the civil-service laws is illegal, and the authorities have no right to appropriate the public moneys to the payment for services rendered in pursuance of such illegal appointment or employment.—American and English Encyclopedia of Law, title, "Public officers."

### REMARKS.

With the view of elucidating the operations of the civil-service law and rules and removing in some degree the difficulties hitherto encountered in securing compliance with them, the Commission, in its fourteenth report, gave a synopsis of leading decisions of courts and opinions of law officers concerning civil-service statutes, both Federal and State. Additional decisions and opinions rendered since that report was printed are here presented, together with brief extracts from important decisions printed in earlier reports. In the reports of the civil-service commissions of New York, Massachusetts, and Illinois will be found similar decisions and opinions upon questions arising in connection with the administration of the civil-service laws and regulations of those States. In *Decisions and Opinions on the Construction of the Civil-Service Laws*, published by James B. Lyon, of Albany, N. Y., are collated in full decisions rendered by the various courts prior to 1889. The *syllabi* of decisions and opinions given below are not intended to be exhaustive, but merely to indicate general features of interest and to point to the sources of full information.

#### (1) DECISIONS OF FEDERAL COURTS.

##### POLITICAL ASSESSMENTS.

The evident purpose of Congress in acts regulating in some particulars the conduct of certain officers and employees of the United States has been to promote efficiency and integrity in the discharge of official duties and to maintain proper discipline in the public service. Clearly such a purpose is within the just scope of legislative

power. If contributions for political purposes from those in public employment may be solicited by others in official authority, it is easy to see that what begins as a request may end as a demand, and that a failure to meet the demand may be treated by those having the power of removal as a breach of some supposed duty growing out of the political relations of the parties. Contributions secured under such circumstances will quite as likely be made to avoid the consequences of the personal displeasure of a superior as to promote the political views of the contributor—to avoid a discharge from the service more than to exercise a political privilege. If it was constitutional to prohibit the removal or discharge of a workingman for his political opinions, the kind or degree of punishment to be inflicted for disregarding the prohibition is clearly within the discretion of Congress, provided it be not cruel or unusual.

The sixth section of the act of August 15, 1876, chapter 287, prohibiting, under penalties therein mentioned, certain officers of the United States from requesting, giving to, or receiving from any other officer money or property or other thing of value for political purposes is not unconstitutional. (Opinion by Chief Justice Waite, United States Supreme Court, October term, 1882, in the matter of Newton Martin Curtis; printed in full in Fourth Report United States Civil Service Commission, p. 542; 106 U. S., 371.)

#### CONSTITUTIONALITY OF CIVIL-SERVICE ACT—REGULATION OF THE POWER OF APPOINTMENT, ETC.

The twelfth section of the act of January 16, 1883, to regulate the civil service, is not unconstitutional because of its prohibiting all persons, whether in the employ of the United States or not, from soliciting contributions for political purposes in any of the places mentioned in that section of the act. (United States v. Newton, supreme court District of Columbia, Washington Law Reporter, vol. 19, p. 770.)

\* \* \* But in deciding the case as we do upon points outside of the statute, it may be as well, to prevent the renewal of the question here in another form, to add that our refusal to decide upon the many objections raised to its validity in no degree arises from any doubts of the constitutionality of the act. We content ourselves with citing the following language of the Supreme Court in United States v. Perkins (116 U. S., p. 483), where the constitutionality of the statute was attacked:

“It is further urged that this restriction of the power of removal is an infringement upon the constitutional prerogative of the Executive, and so of no force, but absolutely void. Whether or not Congress can restrict the power of removal incident to the power of appointment of those officers who are appointed by the President, by and with the advice and consent of the Senate, under the authority of the Constitution (art. 2, sec. 2) does not arise in this case, and need not be considered.

“We have no doubt when Congress by law vests the appointment of inferior officers in the heads of departments it may limit and restrict the power of removal as it deems best for the public interest. The constitutional authority in Congress to thus vest the appointment implies authority to limit, restrict, and regulate the removal by such laws as Congress may enact in relation to the officers so appointed.

“The head of a department has no constitutional prerogative of appointment to offices independently of the legislation of Congress, and by such legislation he must be governed not only in making appointments, but in all that is incident thereto.”

The act of Congress of January 16, 1883, and its supplements, establishing what is known as the Civil Service Commission, are not unconstitutional. (In re Morris S. Miller, supreme court District of Columbia, Decisions of Courts on Civil-Service Laws, Lyon, 1889, p. 111.)

The subjects of the extent and manner of the exercise of the appointing power and of the duties, relations, numbers, compensation, protection, and encouragement of those in the public service to which civil-service rules naturally relate would seem to be within the scope of legislative authority. (4 Opins. A. G., 165; Debates in Senate, Globe, 1869, p. 17, etc.)

## SEPARATION OF EXECUTIVE AND LEGISLATIVE DEPARTMENTS.

By the Constitution, the only direct participation allowed to the legislative department in the matter of appointments is on the part of the Senate alone. It having been held that the power to appoint includes the power to remove, no participation in appointments can be given to the other House of Congress or to any other officer. (*Maurice v. The United States*, 2 Brockenborough R., 101; 4 Opins. A. G., 164-166; 11 Opins. A. G., 212; 13 Opins. A. G., 516.)

## CERTIFICATION FOR APPOINTMENT.

When a postmaster notifies a secretary of a board of examiners of a selection for appointment from a certification, all rights under the certification are exhausted, and the Postmaster-General, or the postmaster, has no right to make any further appointment without a new requisition and certification. (*Pulaski v. Lyman*, supreme court District of Columbia; vol. 21, Washington Law Reporter, p. 403. See opinion of Attorney-General, April 8, 1891, ante, where the same view is taken.)

## THE COURTS AND PUBLIC OFFICERS.

It was settled, upon great consideration, in the case of *Marbury v. Madison* (1 Cranch, 137) that the national courts can not rightfully interfere with executive action in any case where an executive officer is authorized to exercise judgment or discretion in the performance of an official act. It is only in cases where an executive officer is required to perform a mere ministerial duty, involving no exercise of judgment or discretion, that the courts may control or direct the performance of such ministerial acts. The same doctrine is affirmed in the matter of *Hennen* (13 Pet., 230), and has never been doubted or denied. The appointment and removal of officers or employees involve the exercise of judgment and discretion, and have never, so far as the court is advised, been regarded or held to be mere ministerial acts.

It is firmly settled that courts of chancery concern themselves only with matters of property and the maintenance of civil rights. Such courts have no jurisdiction in matters of an executive or political nature, nor do they interfere with the duties of any department of the Government except under special circumstances, and then only when necessary to the protection of the rights of property; nor can they interfere to restrain criminal or immoral acts unless they affect or threaten to invade rights of property. (*Taylor v. Kercheval*, 82 Fed. Rep., 497.)

Courts of equity are not constituted to regulate the departments of the Government. Their jurisdiction is limited to the protection of the rights of property. They have no concern, as I understand the boundaries of their jurisdiction, over the appointment and removal of public officers. (*Carr v. Gordon*, 82 Fed. Rep., 373.)

## TENURE OF OFFICE—REMOVAL.

The right of the relator to the office which he filled \* \* \* is absolutely dependent upon the tenure of the office. If the tenure of his office was at the will and pleasure or at the will and discretion of the executive officer under whom he held office, then at any time that executive officer had the right to remove with or without reasons, provided he does not violate the civil-service law, which is the only provision of Congress that curtails or abridges the right of removal. \* \* \*

Although, apparently, it has become a difficult thing to get into the civil service, yet it is just as easy to get out as it was before the enactment of the law. To the extent that the spoils system has been abolished by the civil-service law, it is a great benefit to the civil service. To the extent, however, that Congress failed to provide for the tenure of office of appointees under the civil-service law, it appears to me that the purposes of the act are clearly abortive. Whatever may be my opinion as to the competency of the relator to fill the position that he occupied, or my opinion as to the insufficiency and inadequacy and impropriety and lack of public



policy of the reasons that were given for his removal, it is perfectly clear to me that this court is without authority to interfere in this case. (Opinion of Bradley, J., dismissing the petition for a writ of mandamus of Eugene E. Gaddis; Congressional Record, vol. 26, p. 6221.)

All offices of which the tenure is not fixed by the Constitution or limited by law must be held either during good behavior or (which is the same thing in contemplation of law) during the life of the incumbent, or must be held at the will and discretion of some department of the Government, and subject to removal at pleasure. It can not for a moment be admitted that it was the intention of the Constitution that those offices which are denominated inferior offices should be held for life. And if removed at pleasure, by whom is such removal to be made? In the absence of all constitutional provision or statutory regulation, it would seem to be a sound and necessary rule to consider the power of removal as incident to the power of appointment. (In re Hennen, 13 Pet., 230.)

Congress has left in the heads of departments all the discretionary power that was vested in them prior to the passage of the civil-service law and the promulgation of the rules relative to removals. (Pulaski v. Lyman, supreme court District of Columbia; vol. 21, Washington Law Reporter, p. 403.)

If the acts of Congress are not sufficient to include such regulation of the public service as is desirable, the remedy must be applied by the legislative and not by the judicial department of the Government. \* \* \*

There is, however, no provision in this act which denies to the appointing power the right of removal, discharge, promotion, or change in rank and compensation as might have been done prior to the act, with the single exception noted—prohibiting such removal or change for giving or failing to contribute to a political purpose, or for rendering or failure to render a political service. It has been supposed in some quarters that Congress undertook by this civil-service act to restrain the exercise of the power to remove by the appointing power, and it is said that if this was not the intention of Congress then the act is mere *brutum fulmen*, and the attempt of Congress to improve the civil service is futile and abortive. I do not so understand the act, nor do I consider the object of Congress to be abortive from failure to so provide. If it was the design of the Congress to absolutely prohibit the exercise of the power of removal, it was a simple matter to have so declared; and the fact that removal was forbidden for a particular cause is strong to show that it was not designed to be forbidden with respect to other causes. (Carr v. Gordon, 82 Fed. Rep.)

It still remains true that the act procures a body of men for the public service whose appointment is made to depend upon fitness and not upon political favor. This was the object sought to be accomplished. It is in no way disturbed because Congress has failed to otherwise limit the power of removal, because notwithstanding the power to remove may exist, the filling of the vacancy so created must not be controlled by political considerations, but the appointment must be made from those who have passed examination. (Ibid.)

This (section 8 of Civil-Service Rule II) is an authoritative expression by the Executive of the United States of his desire and command to his subordinates with respect to removal from office of those coming within the scope of the civil-service regulations. Possessed by the Constitution of the power of appointment and removal, except possibly as he may be therein restricted by act of Congress, the Executive has the right to regulate for himself the manner of appointment and removal. He may direct his subordinates who exercise under him in certain cases the power of appointment and removal with respect thereto, and may regulate the manner in which they may act for him; but this is an administrative order of the Executive, not done in compliance with any law or in regulation of the execution of any law enacted by Congress restricting his right of removal, but is simply an instruction to those who hold positions by virtue of his appointment of the manner *in which* they shall discharge their duties in respect to the removal of their subordinates. The order is not the law of the land; it is not the emanation of the

lawmaking power, but is merely a regulation adopted by the Executive, as he rightfully might, in regulation of the conduct of those who are subject to his authority. He made it, and may at his pleasure rescind it. (Ibid.)

These rules regulating the power of removal were made by the President, and may be repealed, altered, or amended at his pleasure. Prior to November 2, 1896, no such restraints existed, and if after that date they came into force, it was alone by virtue of an Executive order. Law is not thus enacted, altered, or amended. Law must be an expression of a rule of action by the legislative authority. These civil-service rules, so far as they deal with the executive right of removal, a right which is but an incident of the power of appointment, are but expressions of the will of the President and are regulations imposed by him upon his own action or that of heads of departments appointed by him. He can enforce them by requiring obedience to them on penalty of removal. But they do not give to the employees within the classified civil service any such tenure of office as to confer upon them a property right in the office or place. (Morgan v. Nunn, 84 Fed. Rep., 551.)

In all these Departments (Executive Departments of the Government) power is given to the Secretary to appoint all necessary clerks (1 Story's Rep., 48), and, although no power to remove is expressly given, yet there can be no doubt that these clerks hold their office at the will and discretion of the head of the Department. It would be a most extraordinary construction of the law that all these offices were to be held during life, which must inevitably follow unless the incumbent was removable at the discretion of the head of the Department. The President has certainly no power to remove. These clerks fall under that class of inferior officers the appointment of which the Constitution authorizes Congress to vest in the head of the Department. \* \* \* And the Constitution has authorized Congress, in certain cases, to vest this power in the President alone, in the courts of law, or in the heads of Departments; and all inferior officers appointed under each, by authority of law, must hold their offices at the discretion of the appointing power. Such is the settled usage and practical construction of the Constitution and laws under which these offices are held. (Ex parte Hennen, 13 Pet., 225-259.)

And so, with equal emphasis, it may be said that the authority to the Civil Service Commission to aid the President in preparing rules for carrying the act creating that Commission into effect does not by implication confer upon the President a right to virtually repeal an existing law, especially when, as we shall see, that is not at all necessary to the effectual operation of the act itself. And, lastly, there is nothing in the language of the act or the objects which it professes to attain which makes it necessary to attribute such executive power to the Commission or the President. The act nowhere requires that the power of removal vested in the head of a Department shall be abridged except in the single particular of removal, because of the refusal to contribute for partisan purposes. (Opinion of Cox, J., supreme court of the District of Columbia, in Woods v. Gary, Postmaster-General, 25 Washington Law Reporter, 591; Fourteenth Report, p. 206.)

If an act of Congress, presumed to be approved by the President, vests in the judges or heads of the Departments authority to appoint subordinate officers, then, by constitutional authority, the power to appoint them is taken away from the President; and it follows, according to this case, that the power of removal would be equally taken away. The President might dismiss the head of a Department who would refuse at his request to dismiss a subordinate or inferior officer, but would have no power directly to dismiss such officer himself.

It may be regarded, then, as the settled law that the power of removal is incident to the power of appointment, and therefore that any law which confers upon the head of a Department a power of appointment, *ipso facto*, conveys a power of removal as effectually as if that power were expressly given by the statute. The power of removal is intrenched in the law. It is created by an act of legislation, and it can only be taken away or modified by similar authority. (Ibid.)

## RULES MUST NOT AMOUNT TO LEGISLATION.

There can be no doubt as to the power of Congress or any other legislative body to delegate to subordinate authorities the power to make rules and regulations within certain limits, which, when made, will have the force of law. Thus, corporations, municipal or private, may be authorized to make by-laws, and police commissioners, boards of health, and fire commissioners may be authorized to make regulations which have the effect of laws.

But if any rule prepared by this Commission, whether published by the President or not, should have the effect of repealing or modifying an act of Congress, it would be an act of legislation and not a regulation of a mere executive character, which it was clearly the object of this law to authorize. It is a grave question whether Congress could delegate to the President or to any board of commissioners jointly with the President the authority to do any act which is equivalent to legislation. (Ibid.)

The following decisions of Federal courts, rendered since the publication of the Fourteenth Report, are here given in full:

## WHITE v. BERRY (171 U. S., 366).

[Appeal from the circuit court of the United States for the district of West Virginia. See cases of *Butler v. White*, *Berry v. White*, and *Ruckman v. White*, 83 Fed. Rep.; reported also in Fourteenth Report, p. 212.]

This suit in equity was brought by H. C. Berry in the circuit court of the United States for the district of West Virginia against A. B. White, United States collector of internal revenue for that district, A. L. Hoult, John D. Sutton, Anthony Stauble, and Franklin T. Thayer.

The bill alleged that in 1893 the plaintiff Berry was duly appointed by the Secretary of the Treasury to the position of United States gauger, and from that time to the commencement of this suit he had acted in that capacity at the Hannis distillery at Martinsburg, West Virginia;

That he was appointed through the recommendation of E. M. Gilkeson, late collector of internal revenue for the above-named district;

That he was paid at the rate of \$100 per month directly from the Treasury Department, and was an officer of the United States Government, having taken the required oath of office and executed bond as required by law;

That his oath of office and bond continued good and in force regardless of the personnel of the collector of internal revenue, and he did not hold his position at the discretion of that officer;

That he had honestly, faithfully, and impartially discharged his duties, being especially well equipped and qualified to discharge all the duties appertaining to his office;

That the defendant White, collector of internal revenue, had declared his intention to appoint a gauger and three storekeepers to fill the place of the plaintiff and others employed at the distillery at an early date;

That the defendants Hoult, Sutton, Stauble, and Thayer had been reinstated, or would be appointed and commissioned, and one of them would be assigned to duty in place of the plaintiff at the Hannis distillery through White, who had openly declared his intention to reinstate the defendants in place of the plaintiff and others;

That the plaintiff is a Democrat in politics, was assigned to said office as a Democrat, and had voted the ticket of that political party, while the defendant White was a Republican;

That White had declared his intention to place one of the other four defendants in plaintiff's position because of the latter's political affiliation, and for no other reason, and to appoint and recommend Republicans to fill such places for no other reason than that they were of that political faith;

That the plaintiff's office is in the classified service, and belongs to what is known as the civil service, and as such he could not be removed except for cause shown and proved;

That by a circular issued by the Secretary of the Treasury it was provided that no removals should be made from any position subject to competitive examination except upon just cause and upon written charges filed with the head of the Department or the appointing officer, of which the accused should have full notice and opportunity to make defense;

That in Department Circular No. 119, which was an Executive order, the same provisions were made together with others, and were signed by the Acting Commissioner of Internal Revenue and approved by the Secretary of the Treasury;

That the plaintiff was one of the employees of the Treasury Department, was included in the classified service, and was protected from removal for political or religious reasons under the civil-service laws and rules of the United States, as fully appears from a communication received from the acting president of the Civil Service Commission of date September 10, 1897;

That if the defendant White be permitted to remove the plaintiff from his office and position or supplant him by others, the same would be illegal and in violation of law;

That rule 2 of section 3 of the civil-service rules provides that "no person in the executive civil service shall dismiss or cause to be dismissed or make any attempt to procure the dismissal of or in any manner change the official rank or position of any other person therein because of his political or religious affiliations;" while section 1 of those rules provides that any person in the executive civil service of the United States who should willfully violate any provision of the civil-service act or of the rules established by the Civil Service Commission should be dismissed from office;

That under the law the plaintiff had a vested interest in his office, and if White should remove him therefrom, or assist in so doing, it would be in violation not only of the civil-service rules, but of the plaintiff's vested interest in his office, for which he would not have an adequate remedy at law;

That he is able, competent, and willing to discharge the duties of his office, and is unwilling to be summarily dismissed therefrom for no other reason than that he is of opposite politics to those of the defendant White, collector of internal revenue;

That the said collector has no power, right, or authority to remove the plaintiff from his office or to appoint any other to take his place and thereby effect his removal; that the defendants Hault, Sutton, Stauble, and Thayer have no right or authority to take the oath of office and otherwise qualify and appear to take the position and thereby assist in the removal of the plaintiff, and as there were no vacancies created either by removals or resignations, and there being 15 per cent now commissioned more than sufficient to perform the duties of storekeepers and gangers in that district, if they were permitted so to do it would be in violation of law as well as of the rights and vested interests of the plaintiff; and

That unless White be enjoined from so doing he will remove the plaintiff, and unless his codefendants are enjoined from qualifying as officers of the United States to take the place of the plaintiff at the distillery they would in that manner effect the removal of the plaintiff from his office, they having expressed their intention to accept such appointment and assignments.

The relief asked was an injunction restraining and prohibiting the defendant White, collector, and all others by and through him, "from removing him from the position of ganger until a vacancy is created according to law, as an officer of the United States aforesaid, and also from recommending, assigning, and appointing any person to the same position, and from proceeding in the attempt to make such removal, and in any other manner interfering with your complainant;" and also that Hault, Sutton, Stauble, and Thayer, and all other persons be enjoined, restrained, and prohibited "from qualifying as ganger to take the place of your

complainant at said distillery, or in any other way aid or assist in the removal of your said orator, or performing or discharging any of the duties of said office," and for such other and general relief as to equity might seem just and right.

In conformity with the motion by the plaintiff for a temporary restraining order, it was adjudged, ordered, and decreed "that A. B. White, United States collector of internal revenue for the district of West Virginia, be, and is hereby, restrained, enjoined, and inhibited from recommending, appointing, or aiding in the appointment of A. L. Hoult, John D. Sutton, Anthony Stroubley, or any other person to said position, and from removing the said complainant Berry aforesaid until a vacancy therein is created by law, and from assigning and appointing any person to the same position, and from proceeding in the attempt to make such removal, and in any other manner interfere with the said complainant Berry in the said office, as aforesaid." It was further adjudged, ordered, and decreed "that A. L. Hoult, John D. Sutton, Anthony Stroubley, and all other persons be, and they are hereby, enjoined and prohibited from acting as ganger in the place and stead of the said complainant Berry, as aforesaid, or in discharging any of the duties of the said office, until the further order of this court."

The answer of the defendants states that on the 30th day of September, 1897, the Commissioner of Internal Revenue made an order relieving plaintiff from assignment to duty as ganger at the Hannis distillery, and on the same day telegraphed the plaintiff to that effect; that on the same day the Commissioner telegraphed defendant Thayer, assigning him to duty as ganger at that distillery, and on the 1st day of October, 1897, he took charge as such ganger, and was in charge when defendant White, collector, visited the distillery on that day; that Thayer took charge before 8 o'clock in the morning of October 1, and before the granting of the injunction, and before any service upon or other notice of any kind of the granting of or application for the injunction to Thayer, White, or any of the defendants; that the recommendation of defendant White to the Commissioner, that the plaintiff be relieved from duty as aforesaid, was made prior to the institution of this suit; that it has been the general policy of the Internal Revenue Bureau to rotate the assignments of storekeepers and gaugers for the purpose of securing to such storekeepers and gaugers a fair proportion of employment and for the purpose of preventing collusion between distillery officials, and otherwise protecting the interests of the Government; that plaintiff having been on duty for a long time prior to the 30th day of September, 1897, as ganger, it was deemed by the Commissioner fair and right among the several gaugers, and for the best interests of the public service, to relieve plaintiff from assignment to duty at the Hannis distillery.

Admitting in their answer that the plaintiff was an officer of the United States, duly appointed and commissioned, and that he did not hold his position at the discretion of the collector of internal revenue, the defendant White denied that the plaintiff was well equipped and qualified to discharge all the duties of ganger, but that from the records of his office and of the Department for the previous three months, during which he has been collector, the plaintiff was not a first-class ganger, and was culpably careless in his work, and that it was largely because of information he had received that defendant White recommended to the Commissioner that the plaintiff be relieved from duty as ganger at that distillery; that the defendant White, as collector, had never declared his intention to appoint any one of the other defendants or anyone else a storekeeper or ganger, knowing full well and recognizing the fact that storekeepers and gaugers are and can be appointed by the Secretary of the Treasury only; that the Secretary of the Treasury reinstated Hoult as ganger, Stauble as storekeeper, and Thayer as ganger in 1897, in accordance with the laws of the United States and in accordance with the civil-service law, each having first been certified as eligible to such reinstatement by the Civil Service Commission; and that Hoult, Sutton, Stauble, and Thayer had all been duly commissioned and *executed bonds* and qualified prior to the institution of this suit; and that defendant White never declared his intention to reinstate any of said officers or assign them



to duty in the place of the plaintiff, recognizing fully that he had no such authority, and that neither Hoult nor Staublely had been assigned to duty since their reinstatement.

The defendant White admitted that he was a Republican in politics, and the defendants admitted that the plaintiff was a Democrat in politics. White denied that he ever signified or declared his intention to remove the plaintiff from office or put the defendants or anyone else in his place, for the reason that the plaintiff was a Democrat in politics, and for no other reason to appoint or recommend in his stead a Republican; that in fact and in law he could have nothing to do with the removal or appointment of a storekeeper or a ganger unless it be to recommend the same; that, in short, the appointments of storekeepers and gangers and their removals could be made only by the Secretary of the Treasury.

The defendants alleged that the revocation of assignment complained of by the plaintiff was made by the Commissioner, whom the defendants understood was a Democrat.

The defendants admitted that the office of ganger held by the plaintiff was in the classified service, and belonged to what was known as the civil service; but alleged that so far as they know the plaintiff had not been removed, but, on the contrary, still held the position of United States ganger; that the fact that he had been relieved from assignment from duty at the Hannis distillery did not remove him from office; that he might be assigned to duty or transferred or nonassigned at any time by the Commissioner of Internal Revenue; that the plaintiff could not in this manner question the right of the Commissioner to assign a United States ganger at a distillery or relieve one who has already been assigned; that the Commissioner had the right to assign to duty a United States ganger, and to determine how long he shall remain on duty under such assignment; and that no law, Executive order, or rule or regulation of the Civil Service Commission was violated by the Commissioner doing as he had done in this case in exercising the authority conferred upon him by the acts of Congress by assigning a ganger to duty at the said distillery and relieving from duty the plaintiff, who had been theretofore assigned to duty at the same distillery by the Commissioner and by the same act of Congress.

The defendants admitted that the plaintiff was willing to continue in office, but the defendant White charged that he was a careless officer, and that if any attempt was or should be made to remove or dismiss him from the service, it would not be for the reason that he was of opposite politics to those of the collector.

The answer concludes:

"Replying to allegation No. 13 in plaintiff's bill, the defendants again say that the defendant White claims no right or authority to remove the said plaintiff from office or to appoint anyone in his place, and that he never has claimed any such authority. The defendants say that the defendants Hoult, Sutton, Staublely, and Thayer, having been duly appointed to the positions respectively held by each of them by the Secretary of the Treasury, that the right to hold said positions can not be questioned in this or any other collateral proceeding; that the question of whether there were or were not vacancies at the time these appointments were made can not be determined in this suit. Neither of said defendants Hoult, Sutton, Staublely, or Thayer was appointed in place of the plaintiff. The appointment of neither could affect the plaintiff, and whether the Secretary of the Treasury has more of these officers in commission than he is entitled to have under the law is not a question which can be raised by the plaintiff in this suit. It can not be ascertained in this proceeding whether or not 15 per cent or any other number of officers are now in commission more than are sufficient to perform the duties of storekeepers or gangers in this collection district. This court, it is respectfully suggested, will not undertake to ascertain the number of distilleries in operation and to be placed in operation in said collection district and the number of storekeepers and gangers to be placed on duty at such distilleries. It is submitted that these are questions to be determined by the Treasury Department, and must be supposed to have been determined

before such appointments were made, and the appointments made in conformity to the interests and requirements of the public service. Defendants therefore deny that by the appointment of the defendants Hoult, Sutton, Stauble, and Thayer more storekeepers and gaugers were placed in commission than were sufficient to perform the duties of such officers in said district.

"The defendants deny that the appointment and qualification of said Hoult, Sutton, Stauble, and Thayer will make necessary the removal of the plaintiff. The defendants, further answering, say that the defendant Hoult was on the — day of —, 1889, appointed a United States gauger; that on the — day of —, 1893, after having served about four years, and there having been a change of administration, he was removed from said position through no delinquency or misconduct of his; that during the late war of the rebellion he served in the military service of the United States, and was honorably discharged therefrom; that availing himself of Rule IX of the Civil Service Regulations, he made application to the Secretary of the Treasury to be reinstated to the position from which he had been removed; that defendants are informed that said petition, together with the requisition of the proper officer of the Treasury Department, were referred to the Civil Service Commission, and his eligibility having been properly certified by said Commission, he was reinstated and reappointed by the Secretary of the Treasury. Said petition was originally filed with E. M. Gilkeson, late collector of internal revenue, and, together with the recommendation of said collector, forwarded to the Commissioner of Internal Revenue. The defendants insist that in making said appointment or reinstatement the Secretary of the Treasury acted in strict conformity with the acts of Congress and the rules and regulations of the Civil Service Commission. The defendants Sutton, Stauble, and Thayer were similarly reinstated and reappointed as storekeepers and gauger. The defendant A. B. White says that the recommendation made by him to the Commissioner of Internal Revenue relative to the plaintiff was made prior to or on the 29th day of September, 1897, and the said recommendation was made in part because the said plaintiff had been on duty for some time, and in part for the reasons hereinbefore stated. Said defendants further say that they believe and charge that the reinstatement and appointment of said defendants Hoult, Sutton, Stauble, and Thayer were not made by the Secretary of the Treasury for political reasons, nor was the plaintiff relieved from duty as aforesaid at the Hannis distillery by the Commissioner of Internal Revenue for political reasons, nor the said Thayer assigned to duty at the said distillery for political reasons."

The cause having been heard upon the bill, the demurrer to the bill, the answer and a general replication thereto, the affidavits filed by the parties, and upon the plaintiff's motion to perpetuate the injunction theretofore granted, a final order was made "restraining and inhibiting the defendant White, the collector of the district, the appointing power, the defendant Thayer, and all others, from in anywise interfering with the plaintiff H. C. Berry in the possession of his office and in the discharge of his duty as gauger at the Hannis distillery, located in the town of Martinsburg, W. Va., until he shall be removed therefrom by proper proceedings had under the civil-service act and the rules and regulations made thereunder or by judicial proceedings at law; and the said collector having applied heretofore to the court for leave to the Commissioner to appoint temporarily a gauger pending this litigation, he, the said collector, is required and directed to recommend and the Commissioner of Internal Revenue to transfer the temporary gauger heretofore assigned, and to permit the said gauger Berry undisturbed to discharge the duties of his office as gauger, unless hereafter removed as hereinbefore provided."

Mr. Justice HARLAN delivered the opinion of the court:

In the opinion delivered by the learned district judge, who heard this and other cases involving the same questions as those now presented, it was held: (1) That *the act known as the "civil-service act" was constitutional.* (2) That Congress *has not delegated to the President and the Commission legislative powers.* (3) That



by rule 3, section 1, the Internal-Revenue Service has been placed under the civil-service act and rules made in pursuance of it. (4) That the plaintiffs in these actions are officers of the Government in the Internal-Revenue Service. (5) That they can not be removed from their positions except for causes other than political, in which event their removal must be made under the terms and provisions of the civil-service act and the rules promulgated under it, which, under the act of Congress, became a part of the law. (6) That the attempt to change the position and rank of the officers in these cases was in violation of law. (7) That a court of equity has jurisdiction to restrain the appointing power from removing the officers from their positions if such removals are in violation of the civil-service act. (83 Fed. Rep., 578.)

On behalf of the Government it is insisted that the circuit court of the United States, sitting in equity, was without jurisdiction to entertain this suit and to grant the relief asked in the bill. If this position be well taken, it will be unnecessary to consider the other questions discussed in the able and elaborate opinion of the district judge.

In *Sawyer's Case* (124 U. S., 200, 223) Chief Justice Waite, in a dissenting opinion, said that he was not prepared to hold that an officer of a municipal government could not, under any circumstances, apply to a court of chancery to restrain the municipal authorities from proceeding to remove him from his office without authority of law; that there might be cases when the tardy remedies of *quo warranto*, *certiorari*, and other like writs would be entirely inadequate. In that view of the jurisdiction of equity the writer of this opinion concurred at the time the court disposed of that case.

But the court in its opinion in that case observed that under the Constitution and laws of the United States the distinction between common law and equity, as existing in England at the time of the separation of the two countries, had been maintained, although both jurisdictions were vested in the same courts, and held that a court of equity had no jurisdiction over the appointment and removal of public officers, and that to sustain a bill in equity to restrain or relieve against proceedings for the removal of public officers would invade the domain of the courts of common law or of the executive and administrative departments of the Government.

After referring to numerous authorities, American and English, in support of the general proposition that a court of chancery had no power to restrain criminal proceedings, unless they had been instituted by a party to a suit already pending before it, and to try the same right that was in issue there, the court proceeded: "It is equally well settled that a court of equity has no jurisdiction over the appointment and removal of public officers, whether the power of removal is vested, as well as that of appointment, in executive or administrative boards or officers, or is entrusted to a judicial tribunal. The jurisdiction to determine the title to a public office belongs exclusively to the courts of law, and is exercised either by *certiorari*, *error*, or *appeal*, or by *mandamus*, *prohibition*, *quo warranto*, or *information* in the nature of a writ of *quo warranto*, according to the circumstances of the case, and the mode of procedure established by common law or by statute. No English case has been found of a bill for an injunction to restrain the appointment or removal of a municipal officer. But an *information* in the court of chancery for the regulation of Harrow School within its undoubted jurisdiction over public charities was dismissed so far as it sought a removal of governors unlawfully elected, Sir William Grant saying, 'This court, I apprehend, has no jurisdiction with regard either to the election or motion of corporators of any description.' *Attorney-General v. Clarendon* (17 Ves. 491, 488). In the courts of the several States the power of a court of equity to restrain by injunction the removal of a municipal officer has been denied in many well-considered cases"—citing *Tappan v. Gray* (3 Edw. Ch., 450), reversed by Chancellor Walworth on appeal (9 Paige, 507, 509, 512), whose decree was affirmed by the court of errors (7 Hill, 259); *Hagner v. Heyberger* (7 Watts & Serg., 104); *Updegraff v. Crans* (47 Penn. St., 103); *Cochrane v. McCleary* (22 Iowa,

75); *Delehanty v. Warner* (75 Ill., 185); *Sheridan v. Colvin* (78 Ill., 237); *Beebe v. Robinson* (52 Ala., 66); and *Moulton v. Reid* (54 Ala., 320).

The rule established in *Sawyer's* case was applied in *Morgan v. Nunn* (84 Fed. Rep., 551), in which Judge Lurton said that "a court of equity will not, by injunction, restrain an executive officer from making a wrongful removal of a subordinate appointee, nor restrain the appointment of another." Similar decisions have been made in other circuit courts of the United States; by Judges Pardee and Newman, in *Couper v. Smyth*, northern district of Georgia (84 Fed. Rep., 757); by Judge Kirkpatrick, in *Page v. Moffett*, district of New Jersey (85 Fed. Rep., 38); by Judge Jenkins, northern district of Illinois, in *Carr v. Gordon* (82 Fed. Rep., 373, 379); and by Judge Baker, district of Indiana, in *Taylor v. Kercheval* (82 Fed. Rep., 497, 499).

If the assignment of some one to duty as gauger at the Hannis distillery in the place of the plaintiff did not work his removal from office, a court of equity ought not to assume to control the discretion which, under existing statutes, the executive department has in all such matters. Interference by the judicial department in such cases would lead to the utmost confusion in the management of executive affairs.

But the plaintiff contends that the assignment of some one to duty in his place at the Hannis distillery is, in effect, a removal of him from his office in violation of law, and that the object of the proceedings against him was to bring about that result. But, under the authorities cited, such proceedings can not be restrained by a court of the United States sitting in equity, and therefore the court below erred in passing the final decree which has been brought here for review.

Without expressing any opinion upon other questions so fully discussed by counsel, we hold that the circuit court, sitting in equity, was without jurisdiction to grant the relief asked.

The decree below is reversed, and the cause is remanded with direction to dismiss the bill.

Reversed.

Mr. Justice McKenna took no part in the decision of this case.

#### PAGE ET AL. v. MOFFETT (85 Fed. Rep., 38).

1. *Officers—removals—equitable interference.*—Under Revised Statutes, 3148, providing that the collector of internal revenue may appoint his deputies and remove them by giving such notice as the Commissioner of Internal Revenue may prescribe, the rules of the Commission have no such authority as law that a deputy collector can invoke the equitable interference of the courts to restrain his removal in violation of them.

2. *Same—civil service.*—Neither Revised Statutes, 1753, nor the civil-service act of January 16, 1883, put any restrictions upon the power of removal from appointive offices except for refusal to contribute to political funds or neglect to render political service; hence Presidential Rule II, relating to the civil service, and providing (as amended July 27, 1897) that no removal shall be made without giving the accused notice and an opportunity to make defense, has no such authority at law as confers upon the holder of an office a vested right thereto, with the right to invoke the equitable power of the courts to restrain his removal therefrom in violation of such rule.

This was a bill by R. Harry Page and others against Isaac Moffett to enjoin the removal of complainants from their positions as deputy collectors of internal revenue.

John L. Semple, for complainants.

Frederick A. Rex, for defendant.

KIRKPATRICK, district judge.

The complainants filed their bill against the defendant, Isaac Moffett, the collector of internal revenue for the first district of New Jersey, praying that he be restrained from removing them from the offices of deputy collectors of internal revenue, to which they had been appointed by James Butcher, at one time collector of internal revenue for said district, and whose office had been vacated by the appointment of his successor, the defendant. The bill alleges that the complainants are officers of the United States, appointed by the collector for an undefined term of service; that

the office is one within the classified service, and subject to the provisions of an act entitled "An act to regulate the civil service of the United States," approved January 16, 1883; and that, under the rules and regulations promulgated by the President of the United States, they can not be removed therefrom except for cause and upon written charges filed, of which they should have had full notice and an opportunity to make defense. They also in their bill allege that no cause for their removal has been assigned, nor has any notice thereof been given them, nor any opportunity afforded them to make defense, and they charge that the removal is made solely for political reasons, contrary to the true intent and meaning of the civil-service act and the various rules and regulations promulgated by the President of the United States under the authority thereof, and section 1753 of the Revised Statutes of the United States. The bill therefore prays for an injunction restraining the collector of internal revenue from removing the complainants from office, inasmuch as such action is contrary to law.

Deputy collectors of internal revenue are appointed under section 3148 of the Revised Statutes of the United States (Rev. Stat., p. 603), and the provision in regard to the same is as follows:

Each collector shall be authorized to appoint, by an instrument in writing, under his hand, as many deputies as he may think proper, to be by him compensated for their services; to revoke any such appointment, giving such notice thereof as the Commissioner of Internal Revenue may prescribe.

That the persons so appointed deputies are officers of the United States need not, for the purposes of this application, be denied, nor does it seem open to question that the power of their removal rests with the appointing power, the collector, subject to such requirements as to notice as the Commissioner of Internal Revenue may prescribe. These rules of the Commissioner of Internal Revenue, if any there be, can not have the force and effect of law, nor would a failure to comply with them justify the interference of a court of equity. (U. S. v. Eaton, 144 U. S., 677; 12 Sup. Ct. 764.) The power of removal, which by the act vested in the appointing power, subject though it be to certain limitations, can not be reviewed by an appeal to the courts. The result would be a breaking down of all discipline in every administrative department of the Government.

But the complainants insist that the office of deputy collector of internal revenue is in the "classified service," and subject to the provisions of what is called the "civil-service act," and the rules and regulations promulgated by the President of the United States in respect thereto, and particularly Rule II, as amended July 27, 1897. "In the exercise of power vested in him by section 1753 of the Revised Statutes of the United States, and an act to regulate and improve the civil service of the United States, approved January 16, 1883," the President of the United States, under date of November 2, 1896, promulgated certain rules for the regulation of the civil service, none of which, however, prohibited removals from office except for political or religious opinions; and on July 27, 1897, by the same authority, Rule II, on which complainants rely, was amended so as to read as follows:

No removal shall be made from any position subject to competitive examination except for just cause filed with the head of department or other appointing officer, and of which the accused shall have full notice and an opportunity to make defense.

It will aid us in determining the force and effect to be given to these Presidential rules and regulations to look at the power which is vested in the President by section 1753 of the Revised Statutes, and the act of January 16, 1883, known as the "civil-service act," under which they were professedly issued. The former authorizes "the President to prescribe such regulations for the admission of persons into the civil service of the United States as may best promote the efficiency thereof." It nowhere makes mention of removal. The civil-service act merely provides the machinery for fair and suitable examinations, by which there may be procured a list of persons properly qualified to perform the duties of the several offices of the Government, and from which those intrusted with the duty of appointment should

make their selection. Its object was to make more efficient the public service by limiting the power of appointment to a class of qualified applicants; to take away the right or privilege of anyone to nominate persons whose fitness was purely political; to provide for each vacant office in the public service, as it occurred, some person who had in a competitive examination shown himself best adapted to the discharge of its duties; that, having so obtained his office, this person was not to be obliged to contribute to any political fund or render any political service, nor to be subject to removal because he failed to do so, nor because he refused to make contributions of money or other valuable thing for any political purpose.

The act saves to persons honorably discharged from the military or naval service of the United States the preferences conferred upon them in former acts, and reserves to the President any authority, not inconsistent with the act, conferred in section 1753 of the Revised Statutes. Except as mentioned above, the act puts no restriction upon the power of removal. It leaves the appointing power as free as before its passage to make removals at will, save only for refusal to contribute to political funds or neglect to render political service.

In prescribing regulations to promote the efficiency of the public service the President may, no doubt, promulgate rules relating to the removal of persons in office, which shall be observed by his subordinates, in order that there may be a harmony of action throughout the several departments of the Government, of which he is the head, and he may in various ways compel obedience to these rules by his subordinates. He may make these rules accord with his own views of the proper administration of the law; he may modify or even revoke them to-day, and he may change them from time to time at his pleasure. They can not, therefore, be regarded as laws which can only be repealed by the joint action of the legislative and executive departments of the Government.

While these rules and regulations may have the force and effect of law upon subordinate administrative officers, they can not give to officeholders vested rights in their offices, nor can a court of equity regard them as conferring property rights which it is within their province to protect. That a court of equity is limited to the protection of rights of property clearly appears *In re Sawyer* (124 U. S., 200; 8 Sup. Ct., 482.), where Mr. Justice Gray, speaking for the supreme court, says: "The office and jurisdiction of a court of equity, unless enlarged by express statute, are limited to the protection of rights of property." And Mr. Justice Fuller, speaking for the United States circuit court of appeals, in *World's Columbian Exposition v. United States* (18 U. S. App., 159; 6 C. C. A., 71, and 56 Fed., 667.), reiterates the doctrine in the same words, adding thereto: "The court is conversant only with questions of property, and the maintenance of civil rights, and exercises no jurisdiction in matters merely political, illegal, criminal, or immoral." In the *Sawyer* case (*supra*) the court says that "a public office is not such a property right as will give the court jurisdiction," and "that to sustain a bill in equity to restrain the removal of public officers is to invade the domain of the courts of common law or the executive or administrative departments of the Government." The restraining order heretofore granted will be dissolved, and the motion for injunction denied.

COUPER v. SMITH (84 Fed. Rep., 757).

*Officers—power of removal—injunction.*—The courts have no jurisdiction to enjoin a postmaster from removing an assistant postmaster who claims protection under the civil-service law.

This was a bill in equity, by James M. Couper, assistant postmaster at Atlanta, Ga., to enjoin the postmaster, William H. Smith, from removing complainant from his office. Complainant claimed that he was protected by the civil-service law.

Before Pardee, circuit judge, and Newman, district judge.

*Per curiam:* The United States circuit courts in equity are without jurisdiction to restrain or control United States post-office officials in the removal of subordinate officials or employees. We cite *In re Sawyer* (124 U. S., 200; 8 Sup. Ct., 482).

The equitable jurisdiction of the circuit courts of the United States is not enlarged by the civil-service law of January, 1883, or by any of the rules and regulations of the Civil Service Commission thereunder. Interesting cases bearing upon these propositions have been recently decided, though not yet officially reported. In the supreme court of the District of Columbia, Mr. Justice Cox, for the court, in an elaborate opinion held that a court is without jurisdiction to enjoin the Postmaster-General from removing a superintendent of mails from office. In the circuit court of the United States for the northern district of Illinois Mr. Justice Jenkins (also filing an elaborate opinion) held that the circuit court of the United States sitting in equity was without jurisdiction to interfere with or control the Post-Office Department in the transfer or removal of employees, although such employees might be protected in their positions by the civil-service law and the rules of the Commission made thereunder. In the circuit court of the United States for the district of West Virginia Judge Jackson appears to have held to the contrary; holding that, *ex necessitate*, the circuit court of the United States must take equitable jurisdiction. The only reference Judge Jackson makes to *In re Sawyer*, *supra*, is to quote a sentence from the dissenting opinion of Chief Justice Waite.

*In re Sawyer* (*supra*) not since questioned or modified, the supreme court decided upon principles and authority as follows:

The office and jurisdiction of a court of equity, unless enlarged by express statute, are limited to the protection of rights of property. It has no jurisdiction over the prosecution, the punishment or the pardon of crimes or misdemeanors, or over the appointment and removal of public officers. To assume such a jurisdiction, or to sustain a bill in equity to restrain or relieve against proceedings against the punishment of offenses, or for the removal of public officers, is to invade the domain of the courts of common law, or the executive and administrative departments of the Government. \* \* \* It is equally well settled that a court of equity has no jurisdiction over the appointment and removal of public officers, whether the power of removal is vested, as well as that of appointment, in executive or administrative boards or officers, or is intrusted to a judicial tribunal. The jurisdiction to determine the title to a public office belongs exclusively to the courts of law, and is exercised either by certiorari, error or repeal, or by mandamus, prohibition or quo warranto, or information in the nature of a writ of quo warranto, according to the circumstances of the case and the mode of procedure established by the common law or by statute. (pp. 210, 212, 124 U. S.; pp. 487, 488, 8 Sup. Ct.)

The principles thus declared control the jurisdiction in this case. It follows that the application for an injunction pendente lite must be denied, and the rule nisi discharged, and it is so ordered.

#### FLEMMING v. STAHL (83 Fed. Rep., 940).

1. *Deputy marshals—removal—injunction.*—A court of equity is without jurisdiction to restrain a removal from office in this class of cases.

2. *Same—power to remove.*—The power of removal is incident to the power of appointment.

3. *Same—civil-service law.*—The civil-service law never contemplated any interference with the President's power of removal.

4. *Same—regulations by President and Commission.*—Under the civil-service law, neither the Civil Service Commission nor the President, nor both combined, can make any regulations with the force and effect of law, nor will courts of equity enforce them. The President has power to enforce such regulations by the exercise of the power of removal, and, if he does not do so, courts of equity will not interfere.

The plaintiff alleges:

That on the 1st day of July, 1896, he was appointed United States office deputy marshal by the Attorney-General of the United States upon the recommendation of George J. Crump, at that time United States marshal for the western district of Arkansas, and on the 3d day of July thereafter duly qualified as such, and has since continuously remained in office and acted as such; that on the — day of —, 1897, the office of office deputy United States marshal was, by an order of the President of the United States, acting pursuant to a law of Congress approved January 16, 1883, entitled "An act to regulate and improve the civil service of the United



States," placed upon the qualified civil-service list; that by virtue of said order and the then existing civil-service rules, and pursuant to said statutes of the United States, all United States office deputy marshals were exempt from removal for political or religious reasons, and were to hold office during good behavior; that, notwithstanding he has satisfactorily discharged the duties of said office, he is informed and believes the present United States marshal for the western district of Arkansas, Solomon F. Stahl, who duly qualified as said marshal on the — day of —, 1897, and who is of a different political belief from plaintiff, is attempting, for political reasons and none other, to remove plaintiff from his said office of deputy marshal, and will speedily remove him unless restrained by this court.

He therefore prayed for a restraining order. A temporary restraining order was granted, without notice, with leave to the defendant to appear and move to dissolve at any time upon one day's notice. The defendant has interposed a demurrer to the bill, questioning the jurisdiction of the court, and the sufficiency of the facts stated in the bill to justify a restraining order. He has also filed a motion to dissolve the temporary restraining order for the following reasons:

(1) Because the restraining order was granted without notice, and in violation of equity rule 55; (2) because it does not appear that the amount involved is sufficient to give the court jurisdiction of the subject-matter; (3) because the bill is insufficient on its face to justify a restraining order; (4) because there is no equity in the bill.

William A. Falconer, for plaintiff.

Hill & Brizzolara and Frank A. Youmans, assistant United States attorney for defendant.

RODGERS, district judge:

As to what is the proper practice with reference to granting temporary restraining orders without notice the court is not inclined to consider in this case, nor is it inclined to consider the question as to whether or not it is necessary, in a case of this character, to give the court jurisdiction, that the bill should allege that the amount involved exceeded the sum of \$2,000, for the reason that, without reference to what the proper practice is, if the bill stated facts sufficient upon its face to justify a temporary restraining order, the court would grant or continue it now, and secondly, if it is necessary that the bill should show affirmatively that the amount in controversy involves more than \$2,000, exclusive of interest and costs, upon sustaining the demurrer on that ground the bill might be amended in that respect. The court prefers to decide the case upon its merits, and this involves two questions: (1) Whether the court has jurisdiction to grant a restraining order; (2) if it has jurisdiction, then whether or not the term of office of an office deputy marshal expires with the term of his principal, or, to state the same proposition in another form, whether the present marshal has the right, under the law, to remove the plaintiff, notwithstanding the civil-service rules referred to in the bill.

I do not find it necessary to decide in this case whether or not it is true that a circuit court of the United States is without jurisdiction, under all circumstances, to restrain a removal from office; but upon the authority of *In re Sawyer* (124 U. S., 200; 8 Sup. Ct., 482), I am of the opinion that the court has no jurisdiction to restrain a removal in this case. That decision is followed in the following recent cases, similar cases to the one at bar: *Woods v. Gary*, decided by Judge Cox in the supreme court of the District of Columbia, and reported in No. 37 of the Washington Law Reporter, dated September 16, 1897; *Dudley v. James* (83 Fed., 345), opinion by District Judge Barr, of Louisville, Ky.; *Carr v. Gordon* (82 Fed., 373), opinion by Jenkins, circuit judge; *Couper v. Smyth* (84 Fed., 757), decided by Pardee, circuit judge, and Newman, district judge, northern district of Georgia; *Taylor v. Kercheval* (82 Fed., 497), opinion delivered by Baker, district judge.

It is not necessary that I should say more in this case, but, as the question has been presented, it is perhaps well enough for me to express the result of my investigations upon the second question also, namely, whether or not the term of office of

a deputy marshal expires with the term of his principal; or, in other words, whether the present marshal has the right under the law to remove the plaintiff, notwithstanding the civil-service regulations referred to in the bill. Both these questions the court answers in the affirmative upon the authority of the following cases: *Woods v. Gary* (supra); *Dudley v. James* (supra); *Carr v. Gordon* (supra); *Taylor v. Kercheval* (supra); 3 Dec. Comp. Treas., 648. Opposed to these decisions are the decisions of District Judge Jackson found in *Priddie v. Thompson* (82 Fed., 167), and in an opinion delivered by the same judge on November 13, 1897, in the cases of *Butler v. White*, *Berry v. Same*, and *Ruckman v. Same* (83 Fed., 576). I have carefully examined the opinions by Judge Jackson, and am unable to concur in the conclusion reached by him.

I think the construction which he places upon section 10 of the act of May 28, 1896 (29 Stat., 182), is erroneous. The purpose of that section of the act, I think, is manifest. It was never intended thereby that the appointment of an office deputy marshal should be made by the Attorney-General. On the contrary, it was contemplated that the appointment should be made by the marshal. Congress intended that the Attorney-General should determine whether or not the public interest required the appointment of an office deputy, and to determine that fact that section provided that the marshal should state the facts, as distinguished from conclusions, showing necessity for an office deputy, in which event it was provided the Attorney-General should "allow the marshal to employ necessary office deputies and clerical assistance, upon salaries to be fixed by the Attorney-General, from time to time, and paid as hereinafter provided." Such office deputy or employee was, nevertheless, a deputy of the marshal, and not the appointee of the Attorney-General.

The object of the legislation was in the interest of economy in the administration of the marshal's office, and to keep the matter of the necessity for the employment of an office deputy and the salary attached thereto under the control of the Attorney-General. It nowhere appears in that section, or in any other part of the act, that this office deputy has the authority or power to do any official service whatever in his own name. On the contrary, a fair construction of the statute, and the practice which has universally obtained under it, is for him to do every official act in the name of his principal. I do not think there is anything in the act which justifies the conclusion that the office deputy, so far as the power of his principal to remove him is concerned, stands upon any other footing than that of a field deputy. I think it is clearly within the power of the marshal, whenever there is no necessity for the office deputy, to discharge him, and the Attorney-General, whenever satisfied there was no necessity for him, could also direct his dismissal; and upon the refusal of the marshal to do so the Attorney-General could enforce his direction by reporting the matter to the President, who could himself enforce obedience to the order, if necessary, by the removal of the marshal himself.

The provision was a wise and a prudent one. It gave the Attorney-General supervisory control over the office expenses of the marshals, and, at the same time, has secured to them such help as they require, and at such compensation as, in the opinion of the Attorney-General, the services of office deputies are reasonably worth. It was, in my opinion, however, never intended that the relation of such office deputy to the marshal should be disturbed by that legislation. Whatever the deputy did he did in the name of his principal, and I think his term of office expired with that of his principal, except for the purposes named in sections 789 and 790 of the Revised Statutes of the United States. In other words, I am of opinion that, so far as the office of office deputy marshal is concerned, the power of removal is an incident to the power of appointment.

The only remaining question is as to whether or not the civil-service regulations made by the Civil Service Commission and the President, and promulgated by the latter, can have the effect in anywise to modify, alter, or change the statute. On that point I content myself with the decision of Mr. Justice Cox in *Woods v. Gary* (supra), and concur in the conclusion reached by him, that no such power exists



either in the Civil Service Commission or in the President, or in both combined. I concur with him also in the conclusion that the civil-service law never contemplated that the President, or the Commission, or both, could make any rule or regulation which could have the force and effect of law. True, the President may make rules and regulations, administrative in their nature, which would govern the policy of his Administration, and he could enforce the same by the removal of any person from office who refused to abide thereby, but they could not have the force and effect of law, nor would the courts enforce them. Such rules and regulations are purely administrative, and may be altered, amended, or repealed by the President at any time, or by his successor in office.

An examination of the debates of Congress, which will be found reported in the Congressional Record (vol. 14, pt. 1, 47th Cong., 2d sess.), discloses unmistakably the fact that Congress never intended that the civil-service law should, in anywise, affect the power of removal vested, under the Constitution, in the President. The bill seems to have been framed upon the idea of taking away the temptation to remove persons from office by requiring appointments to be made, to fill vacancies, under civil-service examinations. The debates will show that the bill was framed to carefully avoid that mooted constitutional question of the power of Congress to establish a tenure of office with which the President could not interfere. To those who may be now interested in the subject, I cite from the volume of the Congressional Record above referred to (pp. 207-210, 274). On the last-named page Senator Hoar said as follows:

The measure commends itself to me, also, because it carefully and wisely avoids all the disputed constitutional questions which have been raised in the discussion of this subject. It nowhere trenches upon the constitutional power of the President under any definition or limitation found in our constitutional discussion. The President's right to make rules, to apply rules, to change rules, the President's responsibility growing out of his constitutional duty to see that the laws are faithfully executed, are not impaired, and, in my judgment, can not be impaired, by legislation. I do not understand that it has been the purpose of the honorable Senator from Ohio, in reporting this bill, in any degree to infringe upon the constitutional prerogative of the Executive. It does not assert any disputed legislative control over the tenure of office. The great debate as to the President's power of removal, the legislative power to establish a tenure of office with which the President could not interfere, which began in the first Congress, which continued during the contest of the Senate with Andrew Jackson, revived at the time of the impeachment of Johnson, and again in the more recent discussion over the tenure-of-office bill in the beginning of the administration of President Grant, does not in the least become important under the skillful and admirable provisions of this bill. It does not even (and that is a criticism made upon it, but in my judgment it is one of its conspicuous merits) deal directly with the question of removals, but it takes away every possible temptation to improper removals. What Executive, what head of a department, what influential public man anywhere can seek in the least to force a worthy and deserving public officer from his office merely that there may be a competitive examination to fill his place—to fill a place at the bottom of the list, not to fill his place—as is well suggested.

On page 207 of the same volume, Senator Pendleton, who was the author of the bill, said:

The bill does not touch the question of tenure of office or of removal from office. I see it stated, by those who did not know, that it provides for a seven years' tenure of office. There is nothing like it in the bill. I see it stated that it provides against removal from office. There is nothing like it in the bill.

On page 210, Senator Sherman insisted that the fact that no provision was contained in the bill prohibiting removal from office was a grave fault in the bill. It seems to have been conceded, therefore, on all sides, that the bill made no provision whatever for interfering with the right of the President to make removals.

The conclusion I have reached is that the court was without jurisdiction to grant the original restraining order, that the same was improvidently made and must be set aside. The power to amend not existing, the bill should be dismissed at the cost of the plaintiff.

## (2) DECISIONS ARISING UNDER THE NEW YORK CIVIL-SERVICE LAW.

*Striking a name from the list of eligibles improper—mandamus.* No power is conferred by the civil-service act (chap. 354 of the Laws of 1883) or elsewhere upon the New York City civil service commission to strike from the list of eligibles, on account of his advanced age and feeble physical condition, the name of a veteran of the civil war who has been duly and regularly examined and placed on the list. The fact that on his examination the commission chose to rely upon the certificate of the applicant's physician, and not upon its own examination, as to his physical condition, has no bearing upon the question. The statute contemplates, as the remedy for any mistake in the name being placed on the eligible list, the probationary appointment. In any event, the name can not be taken from the list without action of the commission, met as a body to determine as to his eligibility. The applicant's remedy for the improper removal of his name is by mandamus.

\* \* \* \* \*

In response to the notice that an examination would be had for applicants for appointment as special agents under the "liquor-tax law," the relator having appeared before the commissioners and having furnished the certificate of a physician and three citizens as to his physical abilities and good character, as required by the rules of the commission, and submitted to the examination required, and having passed (the commissioners calling for no proof of his physical condition except that furnished by the certificate of his physician), and by the decision of the commissioners his name having been placed on the list of persons eligible for the appointment, after such examination and finding, under the provisions of the constitution above quoted and of section 1 of chapter 821, Laws of 1896, was entitled to a preference for the appointment of special agent under the "liquor-tax law."

We are unable to find any provision in the civil-service act (chapter 354, Laws of 1883), or elsewhere, conferring power on the defendant to arbitrarily deprive one that it had duly and regularly examined, and placed on the list of those eligible for appointment, of the right acquired by such determination. If the commissioners make a mistake in placing on the eligible list one not qualified, the act in question affords a remedy. Section 2, subdivision 3, provides that "there shall be a period of probation before any absolute appointment or employment aforesaid," and (section 2, subdivision 8) that "notice shall be given in writing by the appointing power to said Commission \* \* \* of the rejection of such person after probation." Hence the statute apparently contemplates a probationary appointment as a remedy in case of an error or mistake of the commissioners, arising from an insufficient examination or otherwise, and not to an arbitrary rescission by them of their former determination.

We are of the opinion that the relator, after he had appeared before the commissioners and submitted to the examination required, and after he had been placed by them second on the list, by their determination as to his eligibility, was, under the provisions of the constitution and statute above quoted and the civil-service act of 1883, legally entitled to a preference for appointment, of which he could not be arbitrarily deprived. And this is so although the commissioners did not give relator a physical examination. They had the right to do so. Van Petten was properly before them and submitted to the examination they required. He was legally entitled to an examination and to the decision of the commissioners, after such examination, as to his eligibility. They chose to rely on the certificate of his physician as evidence of his physical condition. Although they placed him on the list without a proper examination as to his physical fitness, their action in the matter and their determination could not be vacated by them, at least without notice to him and an opportunity to be reexamined and heard. (The People ex rel. John B. Van Petten v. Willard A. Cobb et al., 13 App. Div., 56.)

The relator was discharged because "there was nothing for him to do; there was no use for his services," and nobody was ever appointed to fill the position formerly occupied by the relator.

This evidence is not refuted, and it thus appears that, having no further use for his services, which could as well be performed by others then in the service, there is no law or reason to prevent the commissioner, in the interest of economy, from exercising his undoubted right of dismissal. Nor can we find upon this record that it was a mere pretext to get rid of the relator or appoint another in his place, for no such facts appear. As to the relator's right, as a veteran, to a hearing, what was said by Judge Beekman in *People, ex rel. Patten, v. Waring* (N. Y. L. J., Nov. 4, 1895) is apposite: "The petitioner was an employee of the department of street cleaning in the city of New York as a driver. On the 16th day of June, 1895, he was discharged from his employment and notified that his services would not be required after that date. No charges were preferred against him, nor is it claimed that he has been guilty of any misconduct. The reason for his discharge is disclosed in a letter addressed to him by the commissioner in the following language: 'You were discharged from this department only because your services were not needed.' \* \* \*

"The petitioner is a veteran of the late civil war and received an honorable discharge. \* \* \* The ground of his discharge was not such as to bring his case within the statutory requirement, which prohibits removal except for causes shown after a hearing. \* \* \* The statute must receive a reasonable construction, and plainly refers to that class of removals which are predicated upon the personal conduct of the employee. In such case it is obviously reasonable that the person proceeded against should be offered an opportunity for vindicating himself against charges imputing misconduct or delinquency in the performance of his duties. But where the discharge is contemplated without any imputation upon the employee, and solely on the ground of economy in the public service, it would be highly absurd to gravely notify him that he is to be removed \* \* \* because of some rearrangement of the force of the department which renders the employment of so many men unnecessary, and to invite a discussion of this matter between the head of the department and his subordinate." (*The People ex rel. Thomas Moloney v. George C. Waring, jr.*, 7 App. Div., 204.)

*City employee discharged from motives of economy—not reinstated.* A tinsmith, employed by the commissioners of charities and corrections of a city, who is discharged by them and his position abolished simply from motives of economy, the work which he formerly did being subsequently performed by the prisoners of a county penitentiary, effecting a saving to the city of several hundred dollars, is not entitled to be restored to his position. (*The People ex rel. William Nutall v. Adolph Simis, jr. et al.*, 18 App. Div., 199.)

*New York fire commissioners—can not discharge an employee in order to appoint another in his place.* The commissioners of the fire department of the city of New York have no power to discharge an employee upon the pretense that his office is to be abolished, and to immediately thereafter assign another person to do the same work which had been done by the discharged employee; such a course is particularly objectionable where the new appointee is ineligible for the reason that he has not passed the civil-service examination required by law.

PATTERSON, J.:

There was abundant evidence produced in the court below to require the issuance of the peremptory writ of mandamus in this matter. The only question before the court was whether the action of the commissioners of the fire department in discharging the relator was a legitimate exercise of the power they possessed to abolish the office he held and thereby dispense with his services, or was a mere pretext to remove him in order that they might put some one in his place. It is manifest that the relator was discharged on the mere pretense that his office was to be abolished, and a man named McLewee was immediately assigned to do the same work that the relator had done. This man McLewee had been an employee of the fire department, filling a place which had been abolished by a resolution of the board, which resolution remained unrescinded at the time this relator was removed from his position, and it is painfully apparent that the relator was thrust aside simply for the purpose of retaining McLewee in the employment and under the pay of the board, although the place he had filled had been abolished. Not only was the alleged reason for the

discharge of the relator and the retention of McLewee (who was virtually a discharged employee) a mere sham, but McLewee was ineligible to fill the place, even had the relator's office been abolished, for he had not passed the civil-service examination required by law, and in no sense could McLewee be regarded as a transferee from one position to another.

The courts have the right to inquire into the good faith of the action of the commissioners in a case of this kind, and the order appealed from should be affirmed, with costs. (The People ex rel. William H. Hart v. O. H. LaGrange et al., App. Div., June, 1896.)

It is not the province of a writ of mandamus to establish rights or to determine controversies. It is available only for the enforcement of a clear, specific legal right, and there must also be an existing duty of the respondents to perform or execute it. The absence of either defeats the remedy. The proceeding by mandamus in some sense has the nature of an action between the parties, and is for the enforcement of a right in favor of the person in whose behalf the writ is granted. The duty of the respondents, without the corresponding right upon his part, would furnish no support for granting it. (People ex rel. Bailey v. Supervisors, 12 Barb., 217.) The claim of the relator upon which the proceeding is founded is that he is entitled to the office. The question of his appointment involves the consideration of the right to the office, and unless that latter is clear the writ of mandamus is not the appropriate remedy to enforce the former. It can not be assumed that the right to the office does not present a disputed question which would have to be determined upon conflicting claims between the relator and one of the present incumbents. The determination of the right in such case is not within the purpose of a proceeding by mandamus, but the question may properly arise and be disposed of in an action which now in this State takes the place of what was formerly known as an information in the nature of quo warranto. (Code Civ. Proc., secs. 1948, 1983.)

In such case the proceedings or action is instituted by the attorney-general in the name of the people, and the relief sought is not dependent upon the right of the relator. The burden, in the first instance, is with the defendant to show that he has the legal right to the office, and the fact that he is ousted for want of such title or right to the possession of it does not necessarily establish the title of the relator to it. (People ex rel. Judson v. Thacher, 55 N. Y., 525.)

The proposition is well settled that where an office is already filled by an actual incumbent exercising the functions of it, when he is merely an officer *de facto* under color of right, mandamus is not available to compel the admission of another claimant to the office. (People ex rel. Arcularius v. Corporation of New York, 3 Johns. Cas., 79; People ex rel. Wren v. Goetting, 133 N. Y., 569.)

It is first to be determined in an appropriate action in the nature of quo warranto whether one of the persons appointed by the defendant to the office in question is unlawfully in possession of it, and if the result is judgment of ouster, a vacancy is furnished.

Then it may be the duty of the board of police to fill it, and in that event, if any one person is entitled to the appointment, he may, if necessary, proceed to obtain it by means of the mandatory writ. (The People ex rel. Charles Hoffman v. Charles A. Rupp et al., 90 Hun, 145.)

1. *Civil service—veterans—removals—L. 1896, ch. 821.* The words "holding a position," in the statute (L. 1896, ch. 821) which forbids the summary removal of a veteran holding a position in the service of the State or one of its political divisions, mean only a lawful, as contrasted with a *de facto*, title, and do not cover a tenure by illegal appointment.

2. *Appointment of veterans without civil-service examination—removal.* The appointment of a veteran to a position subject to the civil-service statute and rules (as was the position of registrar of vital statistics in the city of Troy in 1888), without his having passed the requisite examination, makes his appointment illegal, and renders him a *de facto* officer only, having no valid title to the position, and hence not within the protection of the act of 1896 (ch. 821); and it is the duty of the appointing power, upon learning the facts, to dispense with his services and appoint a person possessing the qualifications required by law.



3. *Hearing precedent to removal—"incompetency."* The word "incompetency," as used in the act of 1896 (ch. 821), which forbids the removal of a veteran holding a position in the service of the State or of one of its political divisions, "except for incompetency or misconduct shown, after a hearing upon due notice, upon the charge made," refers to the capacity of a legally appointed incumbent to fill the place, not to eligibility to appointment, and hence does not entitle a *de facto* officer to a hearing as to whether he had passed the required civil-service examination.

No question is raised as to the regularity of the appointment of Mr. Bolton, who is not a party to the proceeding, provided there was a vacancy to be filled, and it is not denied that the defendants had authority to remove the relator at any time they saw fit, without hearing or notice, unless he was protected by some statute. (People ex rel. Griffin v. Lathrop, 142 N. Y., 113; People ex rel. Fonda v. Morton, 148 N. Y., 156.) He bases his claim to protection upon an amendment to the civil-service act passed in 1896, which, after giving preference "for appointment, employment, and promotion" to "honorably discharged Union soldiers," provides that "no person holding a position or employment in the State of New York or of the several cities, counties, towns, or villages thereof, \* \* \* who is an honorably discharged soldier, sailor, or marine, having served as such in the Union Army or Navy during the war of the rebellion, and who shall not have served in the Confederate Army or Navy, shall be removed from such position or employment, except for incompetency or misconduct shown, after a hearing upon due notice, upon the charge made." (L. 1896, ch. 821; L. 1894, ch. 716; L. 1884, ch. 312.)

If, therefore, the relator held the position in question within the meaning of this statute, the action of the defendants in removing him without an opportunity to be heard was unauthorized, and he is entitled to relief. If, however, the words, "holding a position," as used in the act means only a lawful, as contrasted with a *de facto*, title, the statute has no application and affords no protection to the relator. When the legislature forbade the summary removal from office or employment of a veteran of the late war holding a position in the State, or one of its political divisions, it did not refer to a usurper, or to one who simply had possession of an office without lawful authority, but to one who held his position according to law and by virtue of a valid appointment or employment. In a civilized community "holding a position" means lawfully holding it, and it would be unreasonable to declare that the legislature meant by that expression to include those who held office by force, fraud, mistake, or without any right thereto.

\* \* \* \* \*

The object of the act was to protect those lawfully appointed or employed from removal without a chance to be heard. As the position in question was subject to the civil-service statute and rules, the failure of the relator to pass the examination required made his appointment illegal, for it was expressly prohibited by the act "to regulate and improve the civil service of the State," as at different times amended. (L. 1883, ch. 354, sec. 8; L. 1884, ch. 410, sec. 2; Peck v. Belknap, 130 N. Y., 394, 399). He was therefore an officer *de facto* only, and, while his acts were binding upon the public, he had no title to the position, and it was the duty of the defendants upon learning the facts to dispense with his services and appoint a person who possessed the qualifications required by law. The learned appellate division affirmed the order granting a peremptory writ of mandamus against the defendants mainly upon the ground that the relator was entitled to notice and a hearing as to whether he had passed the civil-service examination, or, in other words, whether his appointment was valid when made. If this position is sound, it must be because some statute so provides, expressly or impliedly, for otherwise there can be no restriction upon the power of an appointing board to dispense with the services of one who has no right to the position. In such a case there is no removal from office, because there is no one lawfully in the office. A *de facto* officer is merely an intruder, so far as the power to fill the position by appointment is concerned. He is entitled to no notice from the appointing power, and it is his duty to yield immediate possession to its appointee.

The only statute that is claimed by the courts below or by the respondent to require notice and a hearing in the case of a *de facto* officer is the one quoted above. Founded upon that statute, the argument is made that "incompetency," as there used, includes the question of legal qualification at the date of appointment, and hence involves the inquiry whether the occupant of the office had passed the civil-service examination required by law. We think, however, that this construction gives the word too broad a meaning, for, as we read the section, it simply provides for the case of an officer lawfully appointed who proved unable to discharge the duties of the position through want of skill, knowledge, ability, or some requisite of that kind, or was guilty of misconduct. "Incompetency" assumes the existence of a legal relation between the appointee and the officer. When the original act is read, in connection with the various amendments, it is clear that the word refers to capacity to fill the place, not eligibility to appointment. (The People ex rel. Hannan v. Board of Health of the City of Troy, 153 N. Y., 113.)

The mere fact that, in his capacity as dock master, the relator was intrusted with the collection of various sums of money, did not constitute the relation of confidence intended by the legislature in the passage of this statute. The term evidently referred to intimate personal relations between the parties, and not to a mere fiduciary relation, created solely by the relator being intrusted, by virtue of his position, with the collection of moneys. (The People ex rel. Brady v. O'Brien et al., 9 App. Div., 428.)

1. *Mandamus—right of a veteran to compel an officer to report vacancies in his department—question as to illegal appointments not determined by mandamus.* Upon an application for a peremptory writ of mandamus directing the comptroller of the city of Brooklyn to notify the Civil Service Commission of certain vacancies in his department, and requiring said comptroller to request from said commission a certification of names from among those graded highest, as a result of open competitive examinations, from which to fill said vacancies, the relator alleges that he was an honorably discharged Union soldier, and that he had successfully passed competitive examinations held to test the fitness of applicants for clerical positions in the civil service of the city of Brooklyn; that there had been 25 vacancies in the defendant's department on or since the 1st of January, 1885, and that if he had notified the Civil Service Commission thereof, the relator would have been one of the first to be certified by such commission to the comptroller for appointment.

2. The relator also alleged that the defendant had, in violation of law, filled said positions, and that the incumbents of such positions were holding them in violation of law.

*Held*, that the mandamus was properly refused;

That the defendant had authority to determine the number of clerks and subordinates which he required in his department; that if a vacancy occurred it was discretionary with him to determine whether he should fill it or leave it vacant, and that the court had no power to interfere with the exercise of such discretion;

That the act creating a preference in the relator's favor gave him no right or title to any office or position;

That the question whether any vacancies had been rightfully or wrongfully filled could not be determined in this proceeding. (The People ex rel. John Tregaskis v. George W. Palmer, 9 App. Div., 252.)

1. The provisions of the law of 1886, chapter 119, as amended by chapter 577 of the laws of 1892, providing that a veteran who holds a salaried position shall not be removed from it except for cause shown, and after a hearing had, do not apply to a tinsmith, a veteran appointed by a board of commissioners of charities and corrections and paid at a per diem rate.

2. *County commissioners—not liable in tort for removing such a veteran.* *Seemle*, that where such commissioners again remove such an employee, after his prior removal and subsequent reinstatement by a writ of peremptory mandamus, they are not liable to him as for a tort, as they exercise quasi-judicial functions in determining whether or not he is a veteran, and their discharge of him from a position for which he had no contract is not a direct injury to his person nor to his estate. (William Nuttall v. Adolph Simis et al., 21 Misc. Rep., 19.)

1. *Veteran—change of the position of bridge tender from one civil-service schedule to another—thereafter the names must be certified from the new schedule—constitution of 1895, article 5, section 9.*

2. Upon an appeal, by the New York City civil-service boards and others, from an order directing that a peremptory writ of mandamus issue requiring the appellants to certify the name of the relator to the commissioners of the department of public



parks as being on the registry and as being qualified for the position of a bridge tender in the said department, it appeared that on November 1, 1895, an examination was held under Schedule F (in which schedule the position of bridge tender was classified) for the position of bridge tender, and on November 4, 1895, an eligible list under that schedule was prepared.

3. On November 7, 1895, the civil-service board recommended to the mayor that the position of bridge tender should be transferred from Schedule F to Schedule G, which recommendation was duly approved by the mayor. Thereafter, a position as bridge tender having become vacant, the relator, who had passed the requisite examination under Schedule G and was then on the list prepared under that schedule, demanded that he be certified as eligible for the position. The appellants refused to certify his name, insisting that when a position was transferred from one schedule to another it was their custom to make no appointments for a position in the new schedule until all the persons upon the eligible list under the old schedule had been appointed; it did not appear, however, that any official action had been taken by the civil-service board upon this matter.

4. *Held*, that the position of the relator was correct;

That the position of bridge tender must, after the transfer of the position of bridge tender from Schedule F to Schedule G, be filled from Schedule G;

That, as the relator was upon the eligible list prepared under Schedule G, and as he was also a veteran, he was entitled to the preference given by section 9 of article 5 of the State constitution, which went into effect upon the 1st day of January, 1895. (The People, ex rel. Frank J. Carroll, v. The New York City Civil Service Boards et al., 5 App. Div., 164.)

1. *Veteran—failure to place his name on the eligible list—names to be taken in their order on the list—mandamus—only the relief asked for can be given.*

2. Where a person who is a veteran has passed the civil-service examination a neglect to do the mere clerical act of inscribing his name upon the eligible list will not prejudice his right to an appointment to which he is otherwise entitled.

3. A civil-service board must certify persons eligible to fill vacancies in the proper order of applicants upon the eligible list, and they can not arbitrarily determine that they will exhaust all the names contained upon one list before they take up another.

4. Where an eligible person claims, upon a motion for a peremptory writ of mandamus, that he should have been certified in May as eligible to and entitled to fill a vacancy, and it appears that there was a sufficient number of other veterans entitled to a preference over him to prevent his having been so certified in May, he can not change his position and claim that some of these other veterans had not passed the civil service examination, or had failed to appear, or had been appointed to other positions, so that he would have been certified upon a subsequent requisition made in June, had the board adopted the proper rule. (The People, ex rel. James M. Merritt, v. New York City Civil Service Board et al., 13 App. Div., 309.)

1. *Clerk of police court of Syracuse not a confidential office.* The office of clerk of the police court of the city of Syracuse, the duties of which are indicated in detail by the city charter and not determined by the police justice, in whom the power of appointment is vested, and which consist of administering oaths, taking depositions, adjourning proceedings in the absence of the justice, giving a bond to the city for faithful performance, keeping a record of proceedings, filing and preserving papers, and receiving and paying over to the city treasurer all costs and fines, is not a confidential office, and hence is not exempt from classification in the competitive schedule of the municipal civil-service regulations or from the constitutional provisions giving a preference to veterans.

2. *Evidence as to duties of office.* Since the duties of the clerk of the police court of the city of Syracuse are defined by statute, it is not competent for the police justice, in a quo warranto proceeding for the determination of the title to the office of clerk under the civil-service law, to give his opinion as to what are the duties of the clerk.

3. *Quo warranto—scope of judgment—right of veteran to appointment.* When the eligible list resulting from a municipal competitive civil-service examination for a non-confidential position included in the competitive schedule of the municipal regulations contains the name of one veteran, and another person is appointed, a written appointment of the veteran to the position by the appointing officer is necessary before the court in quo warranto proceedings instituted on the relation of the veteran can decree that he be inducted into office. In the absence of such appointment the jurisdiction of the court is exhausted when it determines that the defendant is unlawfully in possession of the office and orders a judgment of ouster, thereby creating a vacancy; but the relator will be entitled to compel his appointment by mandamus. (The People, ex rel. William Sears, v. William R. Tobey, 153 N. Y., 381.)

1. *Civil service—appointment.* The provision of chapter 354, Laws of 1883, providing for probationary appointments, must be read with chapter 821, Laws of 1896, and is intended as a means, in connection with the examination of the civil-service

board, of ascertaining the applicant's qualifications and fitness in advance of an appointment.

2. *Veterans—probationary appointment—removal.* A veteran who has received a probationary appointment is not "holding a position" within the meaning of these words in chapter 821, Laws of 1896, and is not entitled to notice and hearing upon charges before removal. (*The People, ex rel. William H. D. Sweet, v. Henry H. Lyman*, 20 Misc. Rep., 81.)

### (3) DECISIONS ARISING UNDER THE ILLINOIS CIVIL-SERVICE LAW.

THE PEOPLE *v.* WILLIAM LOEFFLER (Supreme Court, 1899).

Mr. JUSTICE MAGRUDER delivered the opinion of the court:

First. It is claimed by the respondent that the civil-service act has no application to the various clerks and subordinates in the office of the city clerk of Chicago; that the clerks and subordinates in that office can be appointed by the city clerk himself without reference to the requirements of the civil-service act. This contention is based upon section 22 of article 7 of the city and village act. That section is as follows: "The comptroller (if there shall be one), the clerk, treasurer, and collector shall severally appoint such various clerks and subordinates in their respective offices as the city council or board of trustees may authorize, and shall be held severally responsible for the fidelity of all persons so appointed by them." (1 Starr & Curt. Ann. Stat., 2d ed., p. 732.) It is claimed on the part of the respondent that section 22 is still in force and was not repealed by the civil-service act passed in 1895.

It may be said that, in a certain sense, the power to appoint these clerks and subordinates still remains with the city clerk. The civil-service act does not take away the power of appointment absolutely, but qualifies such power by requiring appointments to be made from persons who have been ascertained to be competent by examinations under the civil-service act. Under the provisions of the civil-service act the city clerk still appoints his clerks and subordinates, and, as the power of appointment thus remains with him, it can not be said that it has been altogether taken from him by the civil-service act, even if that act applies to positions in his office. Neither the city clerk nor any other public officer should appoint men to subordinate positions in his office unless they are qualified to perform the duties of such positions. The civil-service act merely substitutes the results of the examinations required by such act for the uncontrolled will of the appointing officer in the matter of selecting those who are to perform the required duties. We are of the opinion that the civil-service act applies to the clerks and subordinates in the office of the city clerk, because section 22, above referred to, has been repealed by that act, so far as the mode of selecting appointees is concerned.

The provisions of the civil-service act are in conflict with section 22 of article 7 of the city and village act. Under section 22 the city clerk had the power to appoint his employees, and such appointments were during his pleasure. But the civil-service act establishes a new system, by which all city employees are to be selected on account of their fitness and merit, as ascertained by examinations held under and in pursuance of the law. The act which requires appointments thus to be made is necessarily in conflict with an act which left such appointments to the uncontrolled will and discretion of the appointing power. It is true that there is no express repeal in the civil-service act of said section 22. It is also true that repeals by implication are not favored. But the civil-service act is subsequent in date, by a period of more than twenty years, to the city and village act; and where there is an irreconcilable inconsistency between an older act and a later act it will be presumed that the legislature intended by the latter to repeal the former. A subsequent statute which revises the whole subject of a former one and is intended as a substitute for it operates as a repeal of the former, although there are no express words of repeal.

The object of section 22, above referred to, was to designate a particular mode for the appointment of the employees of the city comptroller, city clerk, city treasurer, and city collector. That mode may be termed the pleasure of the appointing power. The object of the civil-service act is to designate another and different mode of appointing such employees, and that mode is fitness and merit, as ascertained by free and public and competitive examinations. Where by the language used in a statute a thing is limited to be done in a particular manner "it includes a negative that it shall not be done otherwise." Where the appointments to all subordinate positions under the city government are required by an affirmative enactment to be made upon the basis of merit and fitness as ascertained by examinations, there is necessarily included in such enactment a prohibition against appointments made at the will of the appointing power. The two methods of appointment thus indicated are so inconsistent with each other that section 22 and the civil-service act, considered with reference to the positions therein named, can not stand together; and therefore the repeal of section 22 is inferred from necessity.

Section 37 of the civil-service act provides that: "All laws or parts of laws which are inconsistent with this act, or any of the provisions thereof, are hereby repealed." (Laws of Ill., 1895, p. 94.) The insertion of this provision in the civil-service act assumes that the new rule as to appointments is to some extent repugnant to some law enacted before the civil-service act. Of course there must be repugnancy between an older and a later act in order to make the latter operate as a repeal of the former, whether such a provision as section 37 is inserted in the later act or not. But, where such a provision as section 37 is inserted in a subsequent law, courts are less inclined against recognizing repugnancy between such subsequent law and another prior law upon the same subject. The principles thus announced are sustained by the following authorities: *People v. Nelson* (156 Ill., 364); *Sutherland on Stat. Const.* (secs. 137, 138, 140, 143, 146, 147).

That there is such repugnancy, as is above referred to, between said section 22 and the provisions of the civil-service act will appear from an examination of the law. Section 3 of the civil-service act provides that: "Said commissioners shall classify all the offices and places of employment in such city, with reference to the examinations hereinafter provided for, except those offices and places mentioned in section 11 of this act." The city comptroller, the city clerk, the city treasurer, and the city collector are city officials and a part of the city government. Therefore, the subordinate positions and places of employment under these officials come under the designation of "offices and places of employment in such city." All the offices and places of employment in such cities, and not a part of them, except those mentioned in section 11, are to be classified under the civil-service act. It necessarily follows that the subordinate places under the city clerk fall among the places of employment which are subject to classification.

By the terms of section 11, the four officials named in section 22 are not included in the classified service, but the exceptions mentioned in section 11 do not include clerks and subordinates in the offices named in section 22. It is difficult to see how an act, which provides that all offices and places of employment in the city, except those named in section 11, shall be classified by the civil-service commissioners, can be consistent with section 22 of the city and village act, which provides, in substance, that the clerks and subordinates of four particular city officials shall be appointed in a different mode from that contemplated by such classification. A subsequent law, which states that all of certain offices and places shall be classified, is certainly inconsistent with a prior law which provides for appointments to a few of such offices and places without mentioning classification. It being true that all city offices and places of employment are subject to classification, and it being also true that the clerks and subordinates under the four officials named in section 22 hold city offices and places of employment, it necessarily follows that the latter are *subject to classification* under the civil-service act.

*Section 3 further provides that: "The offices and places so classified by the commission shall constitute the classified civil service of such city, and no appointment*

to any of such offices or places shall be made except under and according to the rules hereinafter mentioned." If no appointments to any of such offices or places shall be made except under and according to the civil-service rules, and if the positions under the four officials named in section 22 are included in such offices or places, then the prohibition against any appointments being made, except under and according to such rules, applies to the subordinates and clerks mentioned in section 22, as well as to all other clerks and subordinates in the city departments.

Again, section 29 of the civil-service act provides: "No accounting or auditing officer shall allow the claim of any public officer for services of any deputy or other person employed in the public service in violation of the provisions of this act." The officers named in section 22 of the city and village act are public officers of the city, and, therefore, the prohibition against the allowance of the claim of any public officer for services of any deputy, or other person employed in the public service, applies, as a matter of course, to the clerks and subordinates under said four officials.

Section 31 provides: "No comptroller or other auditing officer of a city, which has adopted this act, shall approve the payment of or be in any manner concerned in paying any salary or wages to any person for services as an officer or employee of such city, unless such person is occupying an office or place of employment according to the provisions of law and is entitled to payment therefor." Section 32 also provides: "No paymaster, treasurer, or other officer or agent of a city, which has adopted this act, shall willfully pay, or be in any manner concerned in paying, any person any salary or wages for services as an officer or employee of such city, unless such person is occupying an office or place of employment according to the provisions of law and is entitled to payment therefor." The expression in sections 31 and 32, "according to the provisions of law," does not refer to any law generally, but refers to the provisions of the civil-service act. An examination of these sections in connection with the rest of the act can lead to no other conclusion. "Statutes must be so interpreted as to give effect to every part thereof and leave each part some office to perform; and any construction which deprives any part of a statute of effect and meaning, when it is susceptible of another interpretation, is held without support of any authority." (People v. Angle, 109 N. Y., 564; Wilcox v. People, 90 Ill., 186; Hayes v. O'Brien, 149 id., 403.)

If, under section 29, no claim for services of any deputy or other person employed in the public service can be allowed in violation of the civil-service act, then the payment of such claim is equally forbidden. It is absurd to say that a claim shall not be allowed and, at the same time, to say that the payment of such claim may be made. The prohibition contained in sections 31 and 32 must be read in connection with the prohibition contained in section 29. The prohibition against a payment, or the approval of a payment to an employee in the public service, unless such person is occupying his office or place according to "the provisions of law," is wholly unnecessary unless the word "law" refers to the civil-service act. His office or place in the public service could not exist unless there was some law providing for it. Therefore, to give sections 31 and 32 such a meaning as is consistent with the other provisions of the act, the persons to whom payment is therein denied must be persons occupying their offices or places according to the provisions of the civil-service act, and who are entitled to payment for their services under that law. This being so, sections 31 and 32 refer to the clerks and subordinates in the employment of the city clerk, comptroller, collector, and treasurer, as well as to all other city clerks and employees. It is unnecessary to continue the examination of the civil-service act, as what has already been said sufficiently indicates that the provisions of that act were intended to supplant and be substituted for section 22 of the city and village act.

Section 12, which has reference to the removal or discharge of officers or employees in the classified service of any city, closes with these words: "Nothing in this section shall be construed to require such charges or investigations in cases of laborers or persons having the custody of public money, for the safe-keeping of which another person has given bonds." It seems to be contended by the respondent that, in view



of the language thus quoted from section 12, the legislature intended that the clerks and subordinates named in section 22 of the city and village act should not be covered by the civil-service act. But it is clear that the words thus quoted from section 12 refer to removals or discharges, and not to appointments. Appointing officers are thereby allowed greater freedom as to the removal of subordinates and clerks, but their appointment is not thereby affected. While an appointing officer may have the right to discharge such persons as are above named, yet, when the vacancy is made by a discharge, it must be filled with a person who has been examined under the provisions of the act. The words quoted directly recognize the fact that those persons in the service of the city who have the custody of public money are included in the provisions of the act. If they were not to be included in the classified service, such a provision would be unnecessary; persons not embraced within the provisions of the act can be removed without regard to any of its provisions. What persons should be embraced within the terms of the act, whether persons having the custody of public money or otherwise, is a matter of policy to be decided by the legislature.

Our conclusion upon this branch of the case is that the clerks and subordinates in the respective offices of the city clerk, comptroller, treasurer, and collector are subject to classification under the civil-service act.

Second. It is contended that the civil-service act is invalid, as being in conflict with the constitution of Illinois. This court held the law to be constitutional in the case of *People v. Kipley*, (171 Ill., 44). Many of the grounds upon which the constitutionality of the law is here attacked are the same as those which were considered in the *Kipley* case. We have no disposition to review the conclusion there reached, and decline again to discuss the questions there settled. One or two points, however, are made by counsel which were not suggested to the court in the *Kipley* case, and these will be briefly discussed.

In the first place, it is said that the act is unconstitutional as requiring tests for appointment of applicants to positions in the public service which are prohibited by the constitution. The constitutional provision which is thus alleged to be violated is section 25 of article 5, which provides that all civil officers, except members of the general assembly and such inferior officers as may be by law exempted, shall, before they enter upon the duties of their respective offices, take and subscribe an oath, which is set forth in said section, which section contains these words: "And no other oath, declaration, or test shall be required as a qualification." The meaning of the word "test," as here used, was considered in *People v. Hoffman* (116 Ill., 587). The meaning of the word is also discussed in *Rogers v. Common Council of Buffalo* (123 N. Y., 173). The examinations provided for in the civil-service act are not such tests as are contemplated by the constitutional provision here referred to.

Upon this subject we content ourselves with quoting what is said in *Rogers v. Common Council of Buffalo* (supra): "In this case we simply hold that the imposing of a test by means of which to secure the qualifications of a candidate for an appointive office, of a nature to enable him to properly and intelligently perform the duties of such office, violates no provision of our constitution."

In the second place, it is said that the civil-service act is an amendment of the general incorporation act of 1872, and, as such, is in violation of that part of section 13 of article 4 of the constitution, which reads as follows: "No law shall be repealed or amended by reference to its title only, but the law repealed or the section amended shall be inserted at length in the new act." The contention of counsel for the respondent is, as we understand such contention, that all the sections of the incorporation act of 1872, here alleged to have been amended, should have been repeated as required by section 13. The contention thus made is without force. The mischief intended to be remedied by the provision of the constitution above quoted is that of the amendment of statutes by reference to their titles only, where the amendment *in many cases* can not be understood without looking into the section amended; but *where a new act on the subject is complete in itself and entirely intelligible, show-*

ing upon its face just what it is, and where its enactment has no reference to any prior law, it will not contravene any constitutional provision. An act complete in itself is not within the mischief designed to be remedied by the provision in question. (*People v. Wright*, 70 Ill., 388; *Timm v. Harrison*, 109 id., 593; *English v. City of Danville*, 150 id., 92.) The civil-service act is complete in itself, and shows just what it is, so that in its enactment there is no contravention of the constitutional provision named.

In the third place, the act is said to be unconstitutional upon the alleged ground that it is in violation of section 24 of article 5 of the constitution. Said section 24 is as follows: "An office is a public position, created by the constitution or law, continuing during the pleasure of the appointing power, or for a fixed time, with a successor elected or appointed. An employment is an agency, for a temporary purpose, which ceases when that purpose is accomplished." The position taken by counsel is, that under our constitution there can be no office unless the appointee holds the same during the pleasure of the appointing power, or unless the appointee holds the same for a definite and fixed term of years. It is argued that under the civil-service act offices may be held during good behavior, or until removal or discharge for cause, and that such a tenure of office is not recognized in our constitution. Counsel take the ground that, in view of the definition of "office" contained in section 24, no office in this State, State or municipal, can be held during good behavior or until discharge or removal for cause, but must be held either during the pleasure of the appointing power or for a definite period of time. The civil-service act has to do particularly with subordinate places of employment in the public service. It also concerns only the public service in cities, towns, and villages, and has no reference to the public service of the State at large. It particularly exempts from the classified service in cities elective officers and heads of the principal departments of the city. In a certain sense, therefore, the positions to which the civil-service act has reference in the city government are places of employment rather than offices in the strict meaning of the latter term.

Independently, however, of this consideration, the definition of "office," as contained in section 24, refers only to offices under the State government. This will be manifest from a consideration of all the sections of article 5 of the constitution, which is entitled "Executive Department." Constitutions, as well as statutes, are not to be interpreted according to the words used in particular clauses, but the whole instrument must be considered with a view to ascertain the sense in which the words are employed. (*Wilcox v. People*, 90 Ill., 186.) Section 10 of article 5 provides that "The governor shall nominate, and by and with the advice and consent of the senate (a majority of all the senators selected concurring, by yeas and nays), appoint all officers whose offices are established by this constitution, or which may be created by law, and whose appointment or election is not otherwise provided for; and no such officer shall be appointed or elected by the general assembly." In *People v. Morgan* (90 Ill., 558), we held that section 10 referred to officers or persons performing duties for the State as contradistinguished from county, city, township, or other municipal officers. It can not be doubted that the words "office" and "officer," as used in all the subsequent sections of article 5, refer to State officers.

Section 23, immediately preceding section 24, containing the definition of office, contains these words: "And all fees that may hereafter be payable by law for any services performed by any officer provided for in this article of the constitution shall be paid in advance into the State treasury." The requirement that the fees shall be paid into the State treasury amounts to a description of all the officers referred to in article 5 as officers of the State government, and not of county or municipal governments. In *People v. Morgan* (supra) we said (p. 566): "When the general assembly creates a body of that character (a municipal government), it has the power to provide the manner of filling the offices for its government. The constitution having prescribed no particular mode, that body is left to select any means



for the administration of government it thinks best adapted to that end. It may provide for election by the people, or may authorize any officer or person to fill the offices by appointment. That power has not been placed beyond legislative domain." Inasmuch as the definition of "office" in section 24 refers to State and not to municipal officers, there is no provision in the constitution prescribing any particular mode for the appointment of officers in municipal corporations. The legislature, therefore, may provide for the appointment of officers in the municipal government in the mode adopted by the civil-service act. In the absence of any constitutional restriction the power of the legislature is ample to provide the mode of appointment to be adopted in selecting municipal officers.

It is true that the definition given of an office in section 24 of the constitution may in some cases apply to an officer of a county or city or other municipality. The offices of city clerk, city treasurer, and city collector come within the definition laid down in said section 24. (*Wilcox v. People*, *supra*; *City of Chicago v. McCoy*, 136 Ill., 344.) But, so far as the definition given in section 24 operates as a restriction upon the mode of appointment to office, it has reference only to State officers.

We are, however, of the opinion that the definition of "office" as given in section 24 does not admit of the construction put upon it by the counsel for respondent. In section 24 an "office" is considered as the antithesis of a mere employment. The first sentence of the section states what an office is, while the second sentence refers to an employment as a mere agency. The words of section 24 were evidently inserted in the constitution of 1870 because of the decision of this court in *Bunn v. People* (45 Ill., 397). In the *Bunn* case the legislature passed an act appointing certain persons as commissioners to superintend the erection of a new statehouse, and the question arose whether or not such commissioners were officers within the meaning of the constitution of 1848. It was there held that such commissioners were not officers, but mere agents or employees for a single and specific purpose, whose functions were at an end upon the completion of their work.

An office, as defined in section 24, is a public position which continues, and which does not end upon the performance of a particular duty. The words are: "Continuing during the pleasure of the appointing power, or for a fixed time, with a successor elected or appointed." In other words, an office is a position, which does not end with the termination of the person filling it, but its duties continue to be performed by the successor of such person, whether elected or appointed. The duties are continuing and not temporary like those of a mere employment or agency. In section 24, appointments during the pleasure of the appointing power are also placed in antithesis to appointments for a fixed time. But the words "fixed time," as here used, do not necessarily mean a definite period, as for instance one year, two years, or three years. On the contrary, they refer to a term of office which is established or settled, as contradistinguished from a term which depends upon the mere will or pleasure of the appointing power. A man who is appointed to hold his office during good behavior, or until removal or discharge for cause, occupies it for a settled and established term; and the time for which he occupies it is in a certain sense a fixed time, because it does not end at the pleasure of the appointing power. Even, therefore, if the definition in the constitution should be held to apply to offices in the municipal government, it can not be said that appointments made under the provisions of the civil-service act are not appointments made for a fixed time. Every person occupying a place or position under the terms of the civil-service act, is a person whose term of office is followed by a successor.

Counsel for respondent fail to distinguish between offices created by the constitution and offices created by statute. It is asserted that a right defined by the constitution is in the nature of a constitutional grant and can not be taken away by any authority known to the government. It is sought to apply this principle to the definition of an office contained in said section 24. In support of this position three cases are referred to, to wit: *Commonwealth v. Gamble* (62 Pa. St., 348), *Commonwealth v. Mann* (5 W. & S., 403), *People v. Dubois* (23 Ill., 547). By reference to each

of these cases it will be seen that the officers, whose rights were therein considered, were judges of courts, holding their office by virtue of constitutional provisions; and, by reason of this fact, it was held that the legislature had not the constitutional power to deprive a judge of his office and compensation, or to diminish his compensation during his continuance in office, or to limit or restrict his tenure of office. When an office is created by a statute it is wholly within the control of the legislature creating it. The length of term and mode of appointment may be altered at pleasure, and the office may be abolished and the compensation taken away from the incumbent, unless forbidden by the constitution. (*People v. Lippincott*, 67 Ill., 333; *Arnold v. Alden*, 173 id., 229; *Cook v. People*, 106 id., 237.) As is well said by the learned author of the article on Public Officers, in 19 American and English Encyclopedia of Law (p. 416): "Where the manner of filling an office is prescribed by constitution, a different mode can not be provided by legislative enactment; but if the manner of filling it is not prescribed, or if it is not an office of constitutional origin, it is competent for the legislature to declare the manner of filling it, either through the agency of an election by the people or by appointment by such authority as it may deem just and proper, and in like manner to change from time to time the mode of election or appointment." In the absence of constitutional provision on the subject, the power of prescribing the manner of making appointments to office falls naturally and properly to the legislative department and may be exercised by it. (19 Id., pp. 421, 423, 428, 552; *Cooley on Const. Lim.*, 6th ed., p. 228; *Tugman v. City of Chicago*, 78 Ill., 405.)

Under the civil service act all the offices and places of employment which are provided for are those of cities, towns, and villages, and are created by statute or ordinance and not by special constitutional provision. The mayor of a city and the city clerk, and the other officers of a city, are not officers of a State within the meaning of the constitutional provision. The duties of State officers concern the State at large, or the general public, although exercised within defined territorial limits, but the functions of municipal officers relate exclusively to the particular municipality. Although the statute grants the charter under which a city is organized and acts, yet "those elected in obedience to that charter perform strictly municipal functions and do not act in obedience to State law in the manner enjoined upon State officers." (*Britton v. Steber*, 62 Mo., 370.) The city and village act, which constitutes the charter of the city of Chicago, provides, in section 3 of article 6, that all officers of any city, except as therein otherwise provided, shall be appointed by the mayor by and with the advice and consent of the city council. The power of the mayor to appoint is thus restricted and limited by the consent and action of the common council. It is difficult to see what difference there is in principle between such a restriction upon the power of appointment vested in the mayor and the character of the restrictions imposed by the civil-service act. In the one case the common council must, by its official action, consent to the appointment. In the other case the Civil Service Commissioners must certify to the eligibility of the applicant, after examination, in accordance with the provisions of the civil-service act.

Third. It is next urged by counsel for respondent that the civil-service act is in contravention of the Constitution of the United States. The principal provision of the Federal Constitution alleged to be violated by the act is the Fourteenth Amendment, which is as follows: "All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws." Counsel for respondent have attached to their brief, addressed to this court, a brief addressed to the Supreme Court of the United States when it was sought to review the case of *Kipley v. People*, recently decided by this court and reported in 171 Ill., 44. Much of the brief addressed to the Federal court is in review of conclusions

already reached by this court in the Kipley case, and as presented here amounts to nothing more than a petition for rehearing. We can not consider an application for rehearing laid before us in this manner. With some difficulty we have endeavored to pick out the portions of the attached brief which discuss other positions than those already decided. Most of the brief of counsel alleging a violation of the fourteenth amendment proceeds upon the theory that public employment is property; but as we have already held that public office is not property, we deem it unnecessary to further consider this view of the case.

As we understand counsel, they claim that the fourteenth amendment is violated by the civil-service act in the following respects:

First. It is said that the act "abridges the privileges and immunities of citizens of the United States in that it renders all citizens who do not apply for office or for place of employment ineligible to appointment or for selection therefor, whereas it is the right and privilege of every citizen to hold office and serve the public."

Second. It is said that the civil service act "deprives a duly elected and qualified officer of the right to select his subordinates and provide the requisite agencies for performing his official duties, thus abridging the rights, privileges, and immunities belonging and guaranteed by said constitutions respectively to every citizen thereof."

Wherever civil-service acts are in force they provide for applications to be made by those seeking employment in the public service, and no question has ever been made that such acts violate any constitutional provision by reason of this feature. (Opinion of Justices, 145 Mass., 587; *Freeman v. Union and Advertiser Co.*, 83 Hun, 385; *Brown v. Russell*, 166 Mass., 14; 6 Am. and Eng. Ency. of Law, 2d ed., p. 90-92, and cases in notes; 19 id., p. 414, and cases referred to in notes; *Throop on Public Officers*, sec. 95, and cases referred to in notes.)

The only way by which a citizen can manifest his desire to hold a public position which is subordinate in character is by making application therefor. It is true that men are sometimes called to public positions by the unsought suffrages of their fellow-citizens or by the unsolicited selection of an appointing officer. All elective positions in municipal governments under the present act, whether derived by election of the people or by election of the city council, are exempt from the provisions of the civil-service act. If a citizen is called upon to serve the public in a subordinate position by any appointing officer, he undergoes no hardship by submitting to an examination which shall determine whether he is qualified for such position or not. It is a mistake to suppose that every citizen has the right to hold office; it is only every citizen having the proper qualifications for the office who has the right to hold such office. The mode of determining whether such qualifications exist, as established by the civil-service act, applies to all citizens alike, and therefore the rights and privileges of none in that regard are abridged.

The right of an elected and qualified officer to select his own subordinates is not a vested or private personal right. In *Butler v. Pennsylvania* (10 How., 402), where the State of Pennsylvania in 1836 passed a law declaring that canal commissioners should be appointed annually by the government, and that their term of office should commence on the 1st of April every year, the pay being \$4 per diem, and afterwards, in April, 1863, certain persons being then in office as commissioners, the legislature passed another law providing, among other things, that the per diem should be only \$3, the reduction to take effect upon the passage of the law, and that in the following October commissioners should be elected by the people, and where the commissioners claimed the full amounts during the entire year, upon the ground that the State had no right to pass a law impairing the obligation of a contract, the Supreme Court of the United States held that there was no contract between the State and the commissioners within the meaning of the Constitution of the United States, and said: "The appointment to and the tenure of an office created for the public use, and the regulation of the salary affixed to such an office, do not fall within the meaning of the section of the Constitution relied on by the plaintiffs in error; do not come within the import of the term 'contract,' or, in other words, the vested

private personal rights thereby intended to be protected. They are functions appropriate to that class of powers and obligations by which governments are enabled and are called upon to foster and promote the general good."

In *Newton v. Board of Commissioners* (100 U. S., 548) the Supreme Court of the United States said: "The legislative power of a State, except so far as restrained by its own constitution, is at all times absolute with respect to all offices within its reach. It may at pleasure create or abolish them, or modify their duties. It may also shorten or lengthen the term of service, and it may increase or diminish the salary or change the mode of compensation. The police power of the States, and that with respect to municipal corporations, and to many other things that might be named, are of the same absolute character." The Federal Supreme Court has thus recognized the power of the State to regulate and control municipal offices, and the terms and conditions upon which they may be held. (*Dartmouth College v. Woodward*, 4 Wheat., 518; *Cooley's Const. Lim.*, 6th ed., p. 331.)

The first paragraph of section 2 of article 4 of the Federal constitution provides that "the citizens of each State shall be entitled to all privileges and immunities of citizens in the several States." The fourteenth amendment provides that "no State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States." There is a difference between the privileges and immunities belonging to the citizens of the United States as such and those belonging to the citizens of each State as such. The privileges and immunities of the citizens of the several States are those which concern the personal private rights of the citizen. The Supreme Court of the United States has said that "they may all \* \* \* be comprehended under the following general heads: Protection by the Government, with the right to acquire and possess property of every kind, and to pursue and obtain happiness and safety, subject nevertheless to such restraint as the Government may prescribe for the general good of the whole." (*Slaughterhouse Cases*, 16 Wall., 36.) The privileges and immunities of the citizens of the several States "do not include within their meaning the right to hold office." "They mean that all citizens of the United States shall have the right to acquire property and hold it, and that this property shall be protected and secured by the laws of the State in the same manner as the property of the citizens of the State is protected; that this property shall not be subject to any burdens or taxes not imposed on the property of citizens of the State." (3 Am. & Eng. Ency. of Law, p. 253; *Wiley v. Palmer*, 14 Ala., 627; *Campbell v. Morris*, 3 H. & McH., 551.) If, therefore, the rights and immunities, as referred to in the fourteenth amendment, are the same rights and immunities referred to in section 2 of article 4, they have no application to the questions now under consideration, as they do not include the right to hold office.

It has, however, been held that "the privileges and immunities of citizens of the United States" are those which arise out of the nature and essential character of the national government, the provisions of its constitutions or its laws and treaties made in pursuance thereof; and that it is these rights which are placed under the protection of Congress by this clause of the fourteenth amendment. (*Slaughter House cases*, 16 Wall., 36.) The doctrine has been otherwise expressed thus: "Whatever one may claim as of right under the Constitution and laws of the United States by virtue of his citizenship, is a privilege of a citizen of the United States. Whatever the Constitution and laws of the United States entitle him to exemption from, he may claim an immunity in respect to. \* \* \* And such a right or privilege is abridged whenever the State law interferes with any legitimate operation of the Federal authority which concerns his interest, whether it be an authority actively exerted, or resting only in the express or implied command or assurance of the Federal Constitution or laws." (*Cooley's Const. Lim.*, 6th ed., p. 489, note 3; *United States v. Reese*, 92 U. S., 214; *United States v. Cruikshank*, id., 542; *Hall v. De Cuir*, 95 id., 485; *Kirkland v. Hotchkiss*, 100 id., 491; *Ex parte Virginia*, id., 339; *Meriwether v. Garrett*, 102 id., 472; *Minor v. Happersett*, 21 Wall., 162.) Under the definition of privileges



and immunities, as applied to citizens of the United States, the fourteenth amendment can have no application to the questions here involved. The rights of the subordinate employees in a municipal government as to the holding of office, and the rights of municipal officers as to the power of appointing their subordinates or employees, do not come within the meaning of "privileges and immunities of citizens of the United States," as those words are used in the fourteenth amendment of the Federal Constitution.

It is furthermore claimed that the civil-service act denies to the citizens the freedom of political action, and makes it highly penal for them to take part in politics. This contention has reference to sections 21 and 28, inclusive, of the civil-service act. The design of these sections is to prevent the solicitation of political contributions, and the levying of political assessments, and the abuse of official influence, and the purchase of positions in the public service. The constitutionality of these sections is not directly involved in this litigation. It is not contended that the present respondent, the city clerk, has been guilty of any violation of the sections last referred to. It will be time enough to consider their validity when a case arises under either of them which calls properly for their consideration. If either one or more of them should be held to be invalid, they are not so intimately connected with the rest of the civil-service act as to make the whole void. Either one of the sections could be eliminated from the act without destroying the symmetry or the validity of the balance of the act. In *Ex parte Curtis* (106 U. S., 371), the sixth section of an act of Congress of August 15, 1876, prohibiting, under penalties therein mentioned, certain officers of the United States from requesting, giving to, or receiving from any other officer, money or property, or other thing of value, for political purposes, was held not to be unconstitutional, and in that case Mr. Chief Justice Waite said: "The evident purpose of Congress in all this class of enactments has been to promote efficiency and integrity in the discharge of official duties and to maintain proper discipline in the public service. Clearly such a purpose is within the just scope of legislative power."

Our conclusion is that the civil-service act is not in violation of the fourteenth amendment of the Federal Constitution.

Fourth. It is claimed that the classification made by the civil service commissioners does not cover the clerkships and subordinate positions in the offices of the city clerk and city collector, and is not such a classification as is required by the civil-service act. We do not regard this contention as having any force. The classification quotes section 11 of the civil-service act, and provides that the offices and places excepted in section 11 shall constitute the unclassified service. It then provides that "all other offices and places of employment in said city, under the provisions of said act, whether permanent, temporary, or substitute, shall constitute the classified service." The classified service is divided into classes, based mainly upon the nature of the employment, the positions in one class being chiefly those of a permanent character, while the positions in the other class are more in the nature of temporary employments. The classes are designated as the official service and the labor service. The official service is divided into divisions, based upon the character of the service to be performed; and each division is divided into grades, based upon the amount of compensation. Among the divisions of the official service is Division C, designated as "clerical service," including all positions of clerks and other persons of whatever designation, rendering service as copyists, recorders, bookkeepers, stenographers, pages, messengers, or any clerical, recording, or similar service, whether paid by time for work done, or by the piece, or in any other way. Among the divisions of the official service also is Division L, designated "miscellaneous service," including all the offices and places of employment coming under the provisions of said act, whatever the character and designation of the same may be, which are not included in any of the foregoing divisions of the official service, nor in the labor service, nor in the unclassified service.

By this method the position of every person in the classified service of the city can be readily and exactly pointed out. The classification is of the positions and places of employment, and not of the persons. A table has been prepared by the commissioners showing the class, division, and grade of every position in the service. The city clerk and city collector have themselves recognized the fact that the positions in their offices are embraced within the classified service as made by the civil service commissioners. In April and May, 1897, they made requisition on the civil service commissioners for persons to fill positions in their offices. They addressed communications to the civil service commission, asking it to certify to them, in accordance with civil-service rules, the names of persons eligible for appointment to certain positions. The commissioners replied that they had no eligible list of examined men ready to certify from, and gave permission under section 10 of the civil-service act to said city clerk and city collector to make temporary appointments, and notified them in such permissions that such appointments should be in force not to exceed sixty days, and only until regular appointments could be made of examined men, as provided in said section 10 of said act. Thereupon these officers appointed men to fill these places, and so reported to the commissioners; but without making any further requisitions or reports, or receiving any further permission, they have kept those men in their places ever since.

It sufficiently appears, that the rules and classification of the civil service commission were duly made and adopted and enforced. We do not deem it necessary to enter into a discussion of the evidence upon this question.

Fifth. It is claimed that the people are estopped from maintaining this proceeding by reason of the submission made to a judge of the circuit court and a judge of the superior court, as hereinafter referred to. It seems that a controversy arose between the city comptroller and the city clerk and certain clerks and subordinates in the city clerk's office as to whether the comptroller should audit certain monthly pay rolls of the city clerk's office, and approve the same, and draw warrants upon the city treasurer therefor. These employees in the city clerk's office desired to have their salaries for the months of January and February, 1898, paid, although the persons demanding such payments had not been appointed to their positions in accordance with the civil-service law. The judges, to whom this submission was made, decided that it was the duty of the comptroller to audit and approve said pay rolls without any certifications by the civil service commission, if found to be otherwise correct, and to draw warrants therefor; and, thereupon, an order was made that the comptroller should immediately execute the proper vouchers for the payment of the January and February salaries of the employees mentioned in said proceedings.

If anybody was bound by the decision so made, only the parties to the submission proceeding above referred to were bound thereby. No evidence has been introduced, showing that the city council of the city of Chicago gave the comptroller of the city any authority to enter into and make any submission of the foregoing matters in the manner, in which such submission was made. The parties to the proceeding in question were the comptroller on one side, and the city clerk and certain of his employees on the other. The parties to the present mandamus proceeding are the people, acting upon the relation of the attorney-general, on the one side, and the city clerk on the other. The people can not be deprived of their right to compel a public officer to obey the law, by any such agreed submission between other parties, as is here set up. The fact of such submission is, in no sense, a defense to this proceeding.

Let the writ of mandamus be issued in accordance with the prayer of the petition.

Writ awarded.



## (4) DECISIONS OF THE UNITED STATES COURT OF CLAIMS.

MORRIS KEIM v. THE UNITED STATES (33 Ct. Cl. R., 171).

On July 31, 1894, Morris Keim, a clerk in the Bureau of Pensions receiving a salary of \$1,000 per annum, was formally discharged as the result of an act of Congress passed July 31, 1894 (the Dockery act), providing for a reduction in the official force under the Commissioner of Pensions.

Mr. Keim was an honorably discharged veteran of the war of the rebellion, having served nearly four years in the Union Army, during which period he contracted a disability. He had entered the departmental service through a civil-service examination.

Section 3 of the act of August 15, 1876 (Supp. Rev. Stat., vol. 1, p. 120), provides:

That whenever, in the judgment of the head of any department, the duties assigned to a clerk of one class can be as well performed by a clerk of a lower class, or by a female clerk, it shall be lawful for him to diminish the number of clerks of the higher grade and increase the number of clerks of the lower grade within the limit of the total appropriation for such clerical service:

*Provided*, That in making any reduction of force in any of the Executive Departments, the head of such department shall retain those persons who may be equally qualified who have been honorably discharged from the military or naval service of the United States, and the widows and orphans of deceased soldiers and sailors.

Mr. Keim brought suit in the Court of Claims for salary alleged to be due him, claiming that his removal was in violation of the law quoted above, and that he had not since been "permitted to discharge the duties of said clerkship, although he has at all times" since July 31, 1894, "stood ready and willing to discharge the duties thereof." In the brief filed by Mr. Keim in support of his claim he alleged that his record as a clerk in different Government departments was high, and that it was high in the Bureau of Pensions until he was transferred to a new and unfamiliar class of work, difficult in character, and requiring months to master; and that he was employed for but a short period upon this unfamiliar work before he was removed upon the ground of inefficiency, such charge of inefficiency being based upon his record. Mr. Keim further alleged that the efficiency ratings given throughout the Bureau of Pensions were grossly inequitable, and furnished no index to an employee's relative efficiency.

A great deal of evidence was adduced by Mr. Keim to support all of his allegations. The assistant chief of the division in which he served at the time of his discharge testified as follows:

I have been in the Pension Office since 1882. There are clerks who can earn \$1,200 and \$1,400 on certain work who could not earn \$900 on another kind of work. I think if Mr. Keim had not been transferred to the eastern division and placed on a different class of work—"new disability" work—he would be in the Pension Office to-day, as he was not familiar with that class of work and could not make a good record on it. That is so with any man, no matter who he is, on that kind of work.

Upon its finding of facts the court dismissed the petition of Mr. Keim.

The opinion of the court, delivered by DAVIS, J., is in part as follows:

The substantial point in the case concerns the power of the court to examine into the course of an officer of a principal Executive Department of the United States in advancing or degrading or dismissing a subordinate who has entered the executive service through the recommendation of the Civil Service Commission and who is also an honorably discharged soldier.

Defendants assert that the plaintiff was not sufficiently competent. This is denied, and an effort is made to show that he was competent, and he was dismissed for other reasons than lack of sufficient ability, and that (in any event) he was not given the preference to which on (otherwise) even terms the former soldier is entitled.

The statutes provide:

"Persons honorably discharged from the military or naval service by reason of disability resulting from wounds or sickness incurred in the line of duty shall be preferred for appointments to civil offices, provided they are found to possess the business capacity necessary for the proper discharge of the duties of such offices. (Sec. 1754, R. S.)

"That whenever in the judgment of the head of any department the duties assigned to any clerk of one class can be as well performed by a clerk of a lower

class, or by a female clerk, it shall be lawful for him to diminish the number of the clerks of the higher grade and increase the number of the clerks of the lower grade within the limit of the total appropriation for such clerical service: *Provided*, That in making any reduction of force in any of the Executive Departments, the head of such Department shall retain those persons who may be equally qualified who have been honorably discharged from the military or naval service of the United States, and the widows and orphans of deceased soldiers and sailors." (Sec. 3, Supp. to R. S., vol. 1, p. 120; act 15th August, 1876, 19 Stat. L., 169, sec. 3.)

The plaintiff, relying upon the act of August 15, 1876, above quoted, contends that the proviso is mandatory and the acts done under it may be the subject of judicial determination. The first line of the section expressly states that the comparative performance of certain clerks shall be determined by "the judgment of the head of any department." In the proviso a comparison is also directed between persons who may be equally qualified to perform the duties which may be assigned to them; that is, between clerks who have been in the military or naval service and those who have not been in either service. To entitle the former to retention in service they must be equally qualified. The statute does not say whether this shall be determined by the records of an Executive department or by the courts. By whom shall it be determined? The enacting clause of the section (act of 1876) answers the inquiry by saying that it shall be determined by the "judgment" of the head of the department. It is not correct to say that one rule is prescribed by the enacting clause and a different rule by the proviso. The judgment of the head of the department is as applicable in the one class of cases as in the other; and the qualifications of the clerk to be appointed in the one class or of the clerk to be retained in the other are necessarily matters committed to the judgment of the head of the department within the intent and meaning of the statute.

The first question we have to consider is as to our power. May a court enter an Executive department, examine the acts of the principal officer, inquire into his exercise of discretion, put him, in effect, upon the witness stand, and investigate the reasons which influenced the exercise of this discretion?

The plaintiff seeks to show that other clerks were less efficient than he, and that these clerks were retained, while he was discharged. But who is to decide as to this efficiency, the superior administrative officer, responsible for the efficient conduct of his office, and dependent upon this for his reputation and tenure; the officer presumably competent and upright and always subject to still superior executive control and legislative supervision; is he to decide this or are the courts?

The civil-service laws provide for entrance into Government employ; they direct that (other things being equal) the soldier shall have preference, but someone in authority must in each instance decide whether the former soldier has placed himself in such a position of equality with his colleagues as to be entitled to the statutory advantage.

In our opinion there is but one question presented in this record, to wit: Is a court to decide whether a clerk has so performed his work as to bring himself within the protected class, or have that clerk's executive superiors the power and the duty to make that decision, and to make it finally?

The plaintiff had a right 'to be preferred for appointment' if found to possess the necessary business capacity. It might be urged that as he was in fact appointed power under this statute was exhausted. We need not discuss that point; the case is too important to pause at a slight issue. The purport and intent of the law is evident and admitted that the soldier, under equal conditions, shall be favored. But who is to decide as to this equality? Who is to say whether any one individual is equally efficient with his rival? Is this power lodged in the superior executive officer, or are the courts to investigate the record not only of clerks discharged or clerks reduced in pay, but also to compare their records with those of their colleagues or rival, and then to decide judicially that the superior executive officer has erred and has discharged or promoted the wrong man?

As a broad principle, the power to appoint implies the power to remove (*People ex rel. McCullough v. Cram*, 36 N. Y. Sup. Ct., 1117). The Supreme Court of the United States (*Ex parte Hennen*, 13 Peters, 230; *Parsons v. U. S.*, C. Cls., 222, and 167 U. S., 324) has held:

"There can be no doubt that these clerks hold their office at the will and discretion of the head of the Department. It would be a most extraordinary construction of the law that all these offices were to be held during life, which must inevitably follow, unless the incumbent was removable at the discretion of the head of the Department."

"The power to appoint has been limited by the civil-service laws; the power to remove, however, remains unimpaired in the Executive except for this, that (other things being equal) the removing power must retain the man who has served during the war as a soldier; so again we reach the point of this case, which (although much else has been said) simply is: Who is to decide?"

If the courts can examine these questions, if every discharged clerk can by an appeal to the judiciary possibly override his chief and be reinstated in an office for

which his chief deems him incompetent, the discipline of the Departments is seriously impaired. In *Chisholm's Case* (27 C. C. R., p. 98) this court held "upon such questions as these the executive officers can alone decide; they are questions of discretion which in their nature belong to those having the responsibility." The officers of the Government are carefully selected; the heads of the principal Executive Departments and of the important bureaus are trained men, of broad experience and national reputation; to spare them certain pressure and responsibility and in an effort to improve the subordinate civil service, the statutes now under consideration were passed; but these statutes relate only to selection for appointment, and do not touch upon the power of removal, except that (other things being equal) the soldier shall be retained.

The superior executive officer decides as to the removal. The law controlling him is the unwritten law of fairness, justice, kindness, and honesty, and also the written law that (other things being equal) the soldier shall be preferred. The supervision of this purely executive power is not intrusted to the judicial branch of the Government of the United States.

The full membership of the court was not present at the time judgment was rendered, and the judges present were not unanimous for dismissal of the petition. One of them concurred in the judgment *pro forma*, in order that the question involved might be decided by the Supreme Court. An appeal from the judgment of the Court of Claims has been taken to the Supreme Court.

#### (5) OPINIONS OF ATTORNEYS-GENERAL AND SOLICITORS-GENERAL.

**1. Civil-service rules possessing the force of law.**—The civil-service law, January 16, 1883, chapter 27, provides substantially that the rules promulgated by the President for carrying it into effect shall have the force of law. (Opinion of August 29, 1893.)

**2. Authority of acts of the President.**—Where an act of Congress, establishing a general system, confers on the President the authority to do a specific act for the purpose of perfecting the means by which the system shall be carried into effect, the act of the President, when performed according to the terms of the statute, has all the validity and authority of the statute itself. (Opinion of March 19, 1862, 10 Op., 469.)

**3. Accounting officers, to what extent responsible to the President.**—The President has no authority to perform personally the duties appropriate to the office of an Auditor or Comptroller of the Treasury, but it is his duty, and he has authority, to see that each performs the duties required of him by law. (Opinion of October 8, 1864, 11 Op., 109.)

**4. Authority of the President as the Chief Executive.**—In the exercise of his general administrative superintendence the President may interfere to restrain an officer from assuming an authority that does not belong to him, as well as to compel the officer to perform a duty that does belong to him. (Opinion of May 15, 1876, 15 Op., 94.)

**5. Rules of former Executives binding until repealed.**—It is a rule which each Administration has prescribed to itself to consider the acts of its predecessors conclusive, so far as the Executive is concerned. If a decision in a case made eight years ago under a former Executive is open for review and revisal, the same principle will open decisions made during the Presidency of Washington, and keep the acts of the Executive perpetually unsettled and afloat. (Opinion of October 1, 1825, 2 Op., 8.)

**6. Acts of prior administrations final.**—It is a settled rule of Administrative practice that the official acts of a previous Administration are to be considered by its successor as final, so far as the Executive is concerned. (Opinion of March 20, 1877, Vol. XV, p. 208.)

**7. Authority of department regulations in effectuation of legislation.**<sup>1</sup>—The authority of rules promulgated by the head of an executive department (and there-

<sup>1</sup> The general subject of the legal force of regulations is treated at length in "Remarks on the Army Regulations and Executive Regulations in General," by G. Norman Lieber, Judge-Advocate-General U. S. Army (1898).

fore of rules promulgated by the Chief Executive) for the effectuation of legislation has recently been clearly set forth in an opinion of the Solicitor-General concerning the legal efficacy of certain regulations, concerning the right to pasture sheep on public lands, promulgated by the Secretary of the Interior in pursuance of the following law, passed June 4, 1897 (28 Stat., 35):

The Secretary of the Interior shall make provisions for the protection against destruction by fire and depredations upon the public forests and forest reservations which may have been set aside or which may be hereafter set aside under the said act of March 3, 1891, and which may be continued; and he may make such rules and regulations and establish such service as will insure the objects of such reservations, namely, to regulate their occupancy and use and to preserve the forests thereon from destruction; and any violation of the provisions of this act or such rules and regulations shall be punished as is provided for in the act of June 4, 1888, amending section 5388 of the Revised Statutes of the United States.

Regulations for carrying the provisions of this law into effect were promulgated, and the opinion of the Solicitor-General was requested upon the question whether a criminal prosecution would lie to punish a person who violated such regulations.

The opinion of the Solicitor-General is as follows:

I recognize the existence of the salutary rule that Congress can not delegate its legislative power so as to authorize an administrative officer, by the adoption of regulations, to create an offense and prescribe its punishment. But here the statute proclaims the punishment for an offense which, in general terms, is defined by law, the regulation dealing only with a matter of detail and administration necessary to carry into effect the object of the law. The protection of the public forests is intrusted to the Secretary of the Interior. Section 5388 makes it an offense, punishable by fine and imprisonment, for any person wantonly to destroy any timber on a public reservation. In furtherance of this policy, the act of June 4, 1897, directs the Secretary to make provision for the protection of the forests and authorizes him to regulate the use and occupancy of the forest reservations and to preserve the forests thereon from destruction, making for such purposes proper rules and regulations. Any violation of such rules and regulations is by the statute made an offense, punishable as provided in section 5388. By this law the control of the occupancy and use of these reservations is handed over to the Secretary for the purpose of preserving the forests thereon, and any occupancy or use in violation of the rules and regulations adopted by him is made punishable criminally. It seems to me Congress has a right to do this. Suppose Congress had provided that the occupation or use of a forest reservation by any person, without permission of the Secretary, should be a misdemeanor. Would not this be a valid exercise of legislative power? The present statute does no more. The regulation is reasonable and necessary. It restrains no one in the enjoyment of any natural or legal right. To use the language of Mr. Chief Justice Fuller in *In re Kollock* (165 U. S., 526, 533):

"The regulation was in execution of, or supplementary to, but not in conflict with, the law itself, and was specifically authorized thereby in effectuation of the legislation which creates the offense."

Your question, therefore, is answered in the affirmative.

Upon this general subject, see also Opinions of Attorneys-General of March 19, 1862 (10 Op., 469); of October 8, 1861 (11 id., 109), and of May 15, 1876 (15 id., 94).

**8. Construction to be given acts of Congress.**—Acts of Congress should be so construed as to render their several provisions operative and in accordance with the intent of the makers of the law. (Opinion of Dec. 8, 1829, 2 Op., 306.)

**9. Section 164, Revised Statutes, repealed.**—The act of January 16, 1883, chapter 27, to regulate and improve the civil service of the United States, repeals by implication section 164, Revised Statutes. (Opinion of Aug. 1, 1885, Vol. XVIII, p. 245.)

**10. Effect of civil-service act on paragraph 4415, Revised Statutes, concerning board of examiners for inspectors of steam vessels.**—Section 4415, Revised Statutes, so far as it prescribes the method by which vacancies on the board of inspectors of hulls of steam vessels shall be filled, was repealed by the civil-service act, and the board provided by said section can not act as a board of examiners under the civil-service act unless the members of such board are selected and appointed as such board of examiners under section 5, Rule IV. (Opinion of Aug. 10, 1896, Vol. XXI, p. 393.)



**11. Power of appointment and removal not to be delegated.**—Departmental clerks, messengers, and laborers are to be appointed and removed by the head of the Department, when not otherwise provided by statute. This power can not be delegated, but must be exercised by the Secretary or Acting Secretary. (Opinion of May 26, 1896, p. 355, Vol. XXI.)

**12. Restriction of choice in appointment.**—The power of appointment conferred by the Constitution is a substantial and not merely a nominal function, and the judgment and will of the constitutional depository of that power should alone be exercised or have legal operation in filling offices created by law. (Opinion of Aug. 31, 1871; 13 Op., 516.)

The right of Congress to prescribe qualifications for office is limited by the necessity of leaving scope for the judgment and will of the person or body in whom the Constitution vests the power of appointment. (Ibid.)

Congress may, at its pleasure, distribute the appointment of inferior officers between the President, courts of law, and heads of Departments, or confide the same exclusively to one or more of these depositaries; but it can not constitutionally vest such appointment elsewhere, directly or indirectly. (Ibid.)

Accordingly, an act requiring the President, the courts, and heads of Departments to appoint to office the persons designated by an examining board as the fittest would be at variance with the Constitution, inasmuch as it would virtually place the power of appointment in that board. (Ibid.)

But though the result of an examination before such a board can not be made legally conclusive upon the appointing power, against its own judgment and will, yet it may be resorted to in order to inform the conscience of that power. (Ibid.)

And notwithstanding that the appointing power alone can designate an individual for an office, still, either Congress, by direct legislation, or the President, by authority derived from Congress, can prescribe qualifications and require that the designation shall be out of a class of persons ascertained by proper tests to have those qualifications. (Ibid.)<sup>1</sup>

**13. Can a court require, on subpœna, the production of any application or examination papers or other records of the boards of civil-service examiners?**—1. The general power of appointment to office being in the President, qualified only by the right of Congress to vest the appointment of inferior officers in him, in the courts of law, or in the heads of Departments, the Civil Service Commission is to be regarded as an advisory board subordinate to the President, reporting to him, and clothed with the functions of aiding the President or any head of Department in the exercise of the appointing power.

2. The boards of civil-service examiners are selected by the Civil Service Commission, and, though subordinate to the Commission, may be properly regarded as officials of the respective Departments in connection with which they act.

3. The application and examination papers or other records of the civil-service examiners are therefore the official records or papers of the President or of the head of a Department.

4. Being records and papers of the character described, their production can not be compelled by the courts whenever the general public interests must be deemed paramount to the interests of private suitors.

5. When such general public interest forbids the production of an official record or paper in the courts, and for the purposes of the administration of justice, is a question not for the judge presiding at the trial in aid of which the record or paper is sought, but for the President or head of Department having the legal custody of such record or paper.

<sup>1</sup>The Attorney-General decided August 31, 1871, that both the theory of the Constitution and its recognized interpretation allowed the direct exercise of choice by the appointing power to be limited to a few of the worthier applicants, the less worthy having been first ascertained and eliminated by a just method authorized by law and fairly exercised under its sanctions. The same legal opinion has also been given in England, where the same question arose. (Report of the Civil Service Commission, April 15, 1874; Ex. Doc. No. 221, 43d Cong., 1st sess.)

And such question may be determined either as and when arising in each particular case, and upon its own peculiar facts and merits, or in advance, by general rules applicable to all records and papers, or by special rules applicable to special classes of records of papers. (Opinion of Mar. 31, 1893.)

**14. Validity of appointment contrary to apportionment.**—H. was examined, alleging an actual bona fide residence in one State, and subsequently and before appointment became a resident of another State without advising the Commission of his change of residence. Had he done so his name would have been transferred to the register of the new State. Had this been done his name would not have been certified when it was and he would not have been appointed, but a resident of the State from which he was examined would have been. As a consequence of his failure to give timely notice of his removal, the one State was charged with an appointment which it did not receive, and failed to receive an appointment it was entitled to; and the other received an appointment with which it was not charged and to which it was not then, nor has it been since, entitled under the law and rules.

While it is the undoubted duty of the executive branch to give effect to the requirement of Congress for an apportionment, it is a very different thing to say that an appointment made in disregard of this rule of apportionment, through a mere inadvertence, is to fail entirely and be treated as a nullity.

Congress did not intend that in such a case as this, where everything was done in good faith, an inadvertent disregard of the rule of apportionment in making an appointment should annul that appointment. The statute is directory only in the above particular, consequently the appointment of H. was not invalid. (Opinion of Dec. 10, 1891.)

**15. Method of appointment of chiefs of bureaus in the Department of State.**—The chief clerk, chiefs of bureaus, and translators in the Department of State are clerks within the meaning of section 169 of the Revised Statutes; chiefs of bureaus in the State Department "receive the same compensation and exercise the functions of chiefs of divisions," and are not chiefs of bureaus within the meaning of section 178, Revised Statutes. These officials are to be appointed by the Secretary of State, and they come within the civil-service act and rules. (Opinion of June 4, 1896, Vol. XXI, p. 363.)

**16. Preference under section 1754, Revised Statutes.**—The joint resolution of March 3, 1865 (sec. 1754, R. S.), considered in connection with the act of March 3, 1871, chapter 114, is construed to mean that honorably discharged soldiers and sailors are not exempt from liability to examination for admission into the civil service, but that they are entitled to a preference for appointment as against other persons of equal qualifications for the place. (Opinion of Aug. 13, 1881, Vol. XVII, p. 194.)

**17. By section 1754, Revised Statutes,** it is made the duty of those making appointments to civil offices to give a preference, other things being equal, to the class of persons named in that section; but the matter of capacity and personal fitness for the place is for the determination of the appointing power. (Opinion of May 24, 1889, Vol. XIX, p. 318.)

**18. Reinstatement—contract surgeons.**—A person who served as a contract surgeon in the late war of the rebellion, with troops in the field and in hospitals, and by completing his contract was honorably discharged from the service, is within the proviso to Departmental Rule X (now Rule IX) of the Civil-Service Rules and Regulations, and entitled to the benefits thereby conferred. (Opinion of Apr. 8, 1890, Vol. XIX, p. 533.)

**19. Review of decision by Commission upon question arising under the rules—Indiana minutemen.**—Whether E. is eligible for reinstatement by reason of service in regiment of Indiana "minutemen" at the time of the insurgent foray known as Morgan's raid. The Commission decided that as the records of the War Department do not show that such an organization was in the service of the United States, he was not entitled to reinstatement.



If the Commission determined the question in accordance with law, no further proceedings in the premises are authorized.

No statute is found which authorizes the Secretary of the Interior or the Attorney-General, upon the suggestion of the Secretary, to reverse or to review this action of the Commission. The limitations of the statutes and the precedents established by learned predecessors preclude me from now reviewing the decision made by the Civil Service Commission. (Opinion of June 25, 1891.)

**20. Reinstatement—general-service clerks.**—H. served in the war of the rebellion in a New York regiment from May 12, 1861, to May 13, 1863, when he was honorably discharged. On the latter date he enlisted in the "general service" of the Army for clerical duty at headquarters, and was transferred to the Adjutant-General's Office April 1, 1864, in which he served on clerical duty until May 13, 1868, when he was discharged through no delinquency or misconduct on his part. Application being now made by him for reinstatement under amended Departmental Rule X (now Rule IX) of the Civil Service Rules, the Secretary of War requests that he be certified by the Civil Service Commission for reinstatement as a clerk in the War Department under said rule: *Held*, That H., during the period of his enlistment in the "general service" for clerical duty, as above, was not in the classified departmental service, and that (he not having been separated from the latter service) his case does not come within the provisions of said Rule X (now Rule IX), and therefore that he can not be certified thereunder. (Opinion of May 9, 1890, Vol. XIX, p. 552.)

**21. Quartermaster's volunteers.**—Where one served in the war of the rebellion in the military organization known as "Quartermaster's Volunteers," or "Quartermaster's Brigade," and was honorably discharged from the service: *Held*, That he is entitled to the benefit of the proviso in Departmental Rule X (now Rule IX) of the Civil Service Rules, as one who "served in the military service of the United States in the late war of the rebellion, and was honorably discharged therefrom," within the meaning of that rule. (Opinion of Nov. 19, 1889, Vol. XIX, p. 334.)

**22. Retired army officers.**—A retired officer of the Army does not vacate his commission by accepting a civil office, unless it be an office in the diplomatic or consular service, in which latter case he is to be regarded as having resigned his place in the Army. From the general law applicable to such case (contained in section 1223, Revised Statutes), a certain class of retired officers described in the act of Mar. 3, 1875, chapter 178, are excepted.

He is not precluded from holding a civil office which he may lawfully hold under and by virtue of an appointment to such office, and is entitled to draw his pay as a retired officer and also the salary provided for the civil office during the period of his incumbency of the latter office. (Opinion of June 11, 1867, Vol. XV, p. 306. See sec. 2, legislative, executive, and judicial appropriation act of July 31, 1894.)

**23. Family—eligibility for examination.**—Whether there are already two or more members of a family in the public service, etc., as provided in section 9 of the civil-service act of January 16, 1883, chapter 27, is not a question to be considered by the Civil Service Commission, but by the appointing power. (Opinion of June 12, 1883, Vol. XVII, p. 554.)

**24. Family—eligibility for appointment.**—Where a father and daughter held each an office in the classified service in one of the Departments, and another daughter, having passed the required examination, was proposed for appointment in another Department: *Held*, That by force of section 9 of the act of January 16, 1883, chapter 27, the last-mentioned daughter, so long as the above state of facts exists, is ineligible for appointment to any office or place in the classified service. (Opinion of Dec. 9, 1884, Vol. XVIII, p. 83.)

**25. Contributions for political purposes.**—An agent of the Government who receives money to pay secret agents is not guilty of either receiving or being concerned in receiving a contribution for a political purpose, within the meaning of the act of January 16, 1883, chapter 27, where he received and honored an order from one of said secret agents to pay money out of the next remittance he should receive person not in the Government service as a contribution in aid of a political

campaign, it appearing that said agent had nothing whatever to do with soliciting, inducing, or causing said secret agent to give the order, and had no relation or connection with the person to whom he paid the money, and had no concern in or control over the money after it was so paid, although he knew for what purpose it was paid.

Said act does not forbid voluntary contributions for political purposes by persons in the employ of the Government, but protects such persons from solicitation or coercion with respect to such contributions. (Opinion of Jan. 25, 1896, p. 298, Vol. XXI.)

**26. Naval paymaster's clerk-transfer.**—The Civil Service Commission is not authorized to transfer a naval paymaster's clerk assigned to sea duty to a similar position in the Navy Department, as paymasters' clerks assigned to sea duty were not classified by the President's order of May 6, 1896, while such clerks performing similar services in offices on shore were classified by that order. (Opinion of Feb. 27, 1897, p. 503, Vol. XXI.)

**27. Secret agents in Post-Office Department.**—The confidential agents formerly employed in the free-delivery division of the Post-Office Department, and designated secret agents, did not become classified employees of the departmental service within Rule III of the civil-service rules promulgated May 6, 1896.

This rule covers only those employees who are to be regarded as appointed for service in the Departments at the seat of Government (whether for the time being actually employed there or detailed for service elsewhere), as distinguished from those appointed for service in the States or Territories, or, as in the case of the Railway Mail Service, in the country at large. (Opinion of Sept. 10, 1896, p. 407, Vol. XXI.)

**28. Office—when employment does not create one.**—An act of Congress authorizing the expenditure of money for the employment of a competent mathematician to supervise the completion of certain tables of planets, providing no permanency to the term, no requirement that the person employed shall either take an official oath or receive a commission, and no formalities in the selection of such an employee, does not create an office. (Opinion of March 23, 1897, p. 507, Vol. XXI.)

**29. Doubt suggested whether the provision in section 3 of the act "to regulate and improve the civil service," etc. (22 Stat. L., 403), for the employment of a "chief examiner," does not come in conflict with the constitutional rule on the subject of appointments.**

The word "employ" is sometimes used in our legislation in a sense equivalent to "appoint." (Opinion of Jan. 22, 1883, Vol. XVII, p. 504.)

**30. Chief examiner.**—The office of chief examiner in the Civil Service Commission, created by the act of January 16, 1883, chapter 27, is to be filled by appointment by the President, with the advice and consent of the Senate. (Opinion of May 26, 1886, Vol. XVIII, p. 409.)

**31. Irregularity in certification cured by absolute appointment.**—An irregularity in the certification of the name of an eligible for appointment under the civil service is cured by the probational and absolute appointment of such a person. (Opinion of Jan. 9, 1896, p. 289, Vol. XXI.)

**32. Furlough of assistant microscopist in Department of Agriculture.**—It is not necessary for the Secretary of Agriculture to give a notice of furlough without pay to assistant microscopists over his official signature in each individual case when their services are not required. A general order, signed by him, directing inspectors in charge of assistant microscopists to furlough them without pay when their services are not required, will be sufficient. (Opinion of Feb. 24, 1896, Vol. XXI, p. 319.)

**33. Effect of delivery of certification of eligibles.**—The certificate delivered to an appointing officer by a subordinate of the Civil Service Commission containing a list of eligibles is a complete authority to the officer and a complete protection to the appointee. (Opinion of May 1, 1896, Vol. XXI, p. 335.)

**34. Authority of the Commission to prescribe certain regulations respecting legal residence.**—If the construction given to the words in the Commission's order of March 7, 1893, viz, "actually living and residing in and having his or her place of abode," involves narrowing the statutory requirement of "actual bona fide residence," then it is a regulation which the Commission has no authority to make. Attorney-General Miller, in his opinion of April 1, 1891, construing the words "actual bona fide resident," contained in the act of July 11, 1890, held that these words did not necessarily require actual bodily presence. The order of the Commission does require actual bodily presence, except in the four classes of cases specified therein, and is therefore a narrowing of the statutory requirement of "actual bodily residence," and to this extent unauthorized. (Opinion of Aug. 29, 1893.)

**35. Certain appointments of superintendents and clerks in the Baltimore post-office held to have been properly made, and the appointment of their successors to have been legal.**—Prior to November 1, 1894, the postmaster at Baltimore notified certain persons that he had appointed them respectively to the positions of superintendents of divisions and clerks to the post-office, and notified the incumbents of their removal. On November 2 the places were, by order of the President, made subject to competitive examination under the civil-service act. Up to November 2 the appointments and removals in question were regulated by section 419 of the Postal Laws and Regulations.

The postmaster was empowered to employ the clerks in question, and no formal appointment or approval was requisite. He was also empowered to make removals without restriction. The notice to new employees was sufficient, as was notice to incumbents of their removal, and the appointments and removals were effected before the order of the President operated upon their positions. The removal and appointment were therefore held to be legal. (Opinion of Mar. 18, 1895, Vol. XXI, p. 140.)

**36. Appointment prior to classification absolute when first made.**—A person appointed to a position not in the classified service at the time of his appointment, but which was subsequently classified by the Executive order of May 6, 1896, was retained in the service absolutely, and not subject to a probation of six months, and is entitled to all the rights and benefits of persons of the same class or grade under the civil-service act, and may be transferred. (Opinion of May 19, 1897, p. 534, Vol. XXI.)

**37. Classification of free-delivery post-offices—when it takes effect.**—In so far as Postal Rule I required the Postmaster-General to classify the employees at the free-delivery post-offices, and required the Civil Service Commission to provide examinations, it went into effect on the date of its promulgation, and required the work to be done in accordance with the revised civil-service rules; otherwise, the rules come into force at each free-delivery post-office as soon as its classification is completed by the Postmaster-General and the first examination provided by the Commission, whether or not such examination results in an eligible register. (Opinion of May 5, 1893.)

**38. Classification.**—Departmental clerks whose salaries are \$900 or \$1,000 per annum, although not belonging to any of the classes in section 163, Revised Statutes, come within the scope of the act of January 16, 1883, chapter 27, and may be classified thereunder, for the purpose of examination, into one or more classes, as may be deemed expedient.

Under section 1753, Revised Statutes, the President may prescribe regulations for admission into the civil service, and thereby restrict original entry therein to one or more of the classes that may exist, or permit such entry to all of them, as in his judgment will best promote the efficiency of the service.

If the \$900 to \$1,000 clerkships are constituted a distinct class, a promotion from such class to another class without examination, excepting where, in conformity to the act, the person to be promoted is specially exempted, would be forbidden by the act of January 16, 1883. To be eligible for appointment to any class (whether by promotion or otherwise) the applicant must have passed an examination to test his fitness for the place. (Opinion of Nov. 9, 1883, Vol. XVII, p. 621.)

**39. Special examiners of the Pension Bureau.**—Special examiners of the Pension Bureau authorized to be appointed by the act of July 7, 1884, chapter 331, and by the act of March 3, 1885, chapter 343, come within the purview of the civil-service act of January 16, 1883, chapter 27; and in appointing such officers the latter acts and rules thereunder should be observed.

The office of special examiner is newly created by the said act of 1885, as it was by the said act of 1884, the term under each act being for one year only. (Opinion of May 7, 1885, Vol. XVIII, p. 172.)

**40. Railway Mail Service—appointment.**—T. was appointed a railway postal clerk by the Postmaster-General on April 29, 1889, without having undergone a civil-service examination (none being then required for such appointment), but he did not take the oath of office and enter upon its duties until May 18, 1889. In the meantime, namely, on May 1, 1889, civil-service rules for the Railway Mail Service went into effect, requiring an examination thereunder as a preliminary to making an appointment like the above: *Held*, That T. was legally appointed on April 29; that his appointment was complete on that date, although he did not qualify by taking the oath of office until afterwards, and that no examination under the civil-service rules was required in his case. (Opinion of Oct. 14, 1889, Vol. XIX, p. 410.)

**41. Reinstatement.**—F., a clerk in the War Department, resigned June 30, 1888, and on November 2, 1888, was reappointed to a clerkship in the same Department on a certificate for reinstatement given by the Civil Service Commission under Departmental Rule X (now Rule IX), but failing to avail himself of this opportunity to reenter the service, the last-mentioned appointment was canceled January 28, 1889. On August 13, 1889, the Secretary of War requested that F. be again certified by the Commission for reinstatement; but the Commission, on August 25, 1889, declined to issue a certificate, on the ground that he had been separated from the service more than a year, and was not eligible for reappointment under said rule: *Held*, That the decision of the Commission, namely, that a second certificate for reappointment could not issue to F. because he had been separated from the service for more than a year, was in accordance with Rule X. (Opinion of Oct. 26, 1889, Vol. XIX, p. 416.)

**42. Employment of substitutes.**—In the matter of the proposed amendment of Departmental Rule VII and revocation of Departmental Rule II of the Regulations of the Civil Service Commission (with a view to provide for the employment of substitutes for clerk, copyists, and other employees in the Departments who are temporarily absent on account of sickness or other unavoidable cause, and for the selection of such substitutes from persons regularly certified by the Civil Service Commission), considered in connection with section 4 of the act of August 5, 1882, chapter 389, and section 4 of the act of March 3, 1883, chapter 128, the Commission is advised that while the amendment proposed is not beyond the power of the Commission, with the approval of the President, to make, yet that such amendment would be inoperative whenever it should become necessary to make an additional expenditure for the employment of substitutes. (Opinion of Mar. 6, 1890, Vol. XIX, p. 507.)

**43. Railway Mail Service—transfer clerks.**—Upon the facts submitted (which are set forth in the opinion): *Advised*, That the appointment of certain railway transfer clerks, who had not been examined and certified for appointment by the Civil Service Commission, was not within the amendment of clause 5 of Railway Mail Rule II, adopted August 19, 1889, which excepts from examination clerks in the Railway Mail Service who are “employed exclusively as porters in handling mail matter in bulk, in sacks, or pouches, and not otherwise.”

Section 1019 of the Postal Regulations (edition of 1887) can not prevail over, but must yield to, the subsequently adopted amendment of said clause 5, which should be strictly confined to the class of transfer clerks therein mentioned. (Opinion of July 8, 1890, Vol. XIX, p. 583.)

**44. Certificate of county officer in application for examination.**—The words “departmental service” and “the service,” as used in the proviso in that part of

Rule XIII referred to [Rule VIII, sec. 13] only authorizes such temporary appointments "subject to the approval of the Commission," and limits the time of such appointments to ninety days. Under this rule it seems quite clear that no payment could be made to the person employed thereunder until his appointment was approved by the Commission, and in no event could payment continue for an employment exceeding ninety days.

Respectfully, yours,

R. B. BOWLER, *Comptroller*.

The SECRETARY OF WAR.

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IN RE APPEAL OF J. A. MICHEL, COLLECTOR OF CUSTOMS FOR THE DISTRICT OF BRAZOS DE SANTIAGO, TEX.

Under sections 2621 and 2630 of the Revised Statutes, which authorize a collector of customs, with the approval of the Secretary of the Treasury, to employ deputies and inspectors, a collector can not be allowed credit for amounts paid as salary to a person temporarily employed as an inspector after the period of ninety days for which the employment is authorized by the Secretary. Such employment for more than ninety days without examination and certification by the Civil Service Commission is in violation of the civil-service rules which have the force of law.

TREASURY DEPARTMENT,  
OFFICE OF THE COMPTROLLER OF THE TREASURY,  
*January 21, 1897.*

Mr. J. A. Michel, collector of customs for the district of Brazos de Santiago, appeals from the settlement by the Auditor for the Treasury Department of his account for "Expenses of collecting the revenue from customs, 1896." The particular item complained of is a disallowance of a payment made to one Gregorio Duffy as deputy collector and inspector for a period of seventy-nine days, at \$3 per day, \$237.

Under the provisions of sections 2621 and 2630, Revised Statutes, Gregorio Duffy was appointed by Mr. Michel on October 15, 1895, a deputy collector and inspector. On October 29 the Secretary of the Treasury wrote to Mr. Michel as follows:

As recommended in your letter of the 18th instant, the employment, from date of oath, of Gregorio Duffy, as deputy collector and inspector of customs No. 2, Class A, at Rio Grande City, in your district, with compensation at the rate of \$3 per diem for a period not to exceed ninety days, or until an eligible list shall be furnished from which selection for this position can be made, vice Paul P. Nix, deceased, is hereby approved.

On January 9, 1896, Mr. Michel wrote to the Secretary stating that Mr. Duffy's appointment would expire by limitation on January 15, 1896, and requesting authority to retain him until he might be furnished with a list of eligibles. It appears that this request of Mr. Michel was referred to the Civil Service Commission, and upon the receipt of their reply the Secretary of the Treasury wrote to Mr. Michel, February 8, that—

In view of the amendment to Customs Rule IV, approved May 18, 1895, your recommendation can not be approved. While it is not required that a selection for a probational appointment shall be made from a certification containing less than three names, there appears no reason why the person now borne on the eligible list should not be appointed temporarily or otherwise unless objections be made against such appointment under the provisions of section 2 or section 3 of General Rule IV, until such time as an eligible register shall result from an examination for the grade of inspector to be held at your port on February 8, 1896.

On February 17 Mr. Michel replied to this letter, making certain objections to the person borne upon the eligible list, and again requesting the Secretary's approval of the continued employment of Mr. Duffy from January 15. This letter was also referred by the Secretary to the Civil Service Commission, and upon the receipt of their reply on March 24 the Secretary wrote to Mr. Michel as follows:

Referring to your letter of the 17th instant, and to previous correspondence relative to your request for the continuance of the services of Mr. Gregorio Duffy as deputy collector and inspector at your port, you are informed that in view of the *advice* from the Civil Service Commission that Mr. Duffy can not be retained for



a further period, he having failed to attain an eligible average in the recent examination held, it will be necessary to discontinue his services at once.

The position to be temporarily filled by the appointment of another person pending the result of a future examination.

Mr. Duffy was, in accordance with this letter, discharged by Mr. Michel on March 31, 1896.

In the meantime, it appears that Mr. Michel had made requisitions for the advance of the funds necessary for the payment of the office force, including Mr. Duffy, and that these requisitions had been honored and the money advanced to him for this purpose.

The Auditor having failed to allow the \$237 paid to Mr. Duffy for the services rendered by him after the expiration of the ninety days for which his employment had been authorized by the Secretary of the Treasury, Mr. Michel wrote to the Secretary requesting that his action in so employing Mr. Duffy be ratified, so that the amount might be allowed. To this the Secretary replied as follows:

In reply to your letter of the 25th ultimo, relative to the suspension of the payment of \$237 to Gregorio Duffy, for the reason that this amount was for services in excess of ninety days for which authority was issued, and in which you request that the amount be allowed, you are informed that the Department has no authority to extend his services beyond this period, as such action is expressly prohibited by amendments to Customs Rule IV, approved May 18, 1895, and by paragraph 13 of Rule VIII, Revision of the Civil Service Rules, approved May 6, 1896, by the provisions of which his services terminated by limitation at the expiration of the period of ninety days for which he was appointed, and of which you were duly advised by Department letters of February 8 and March 24, 1896. As his employment for the period beyond ninety days was illegal, the Department must decline to grant payment therefor.

The rules above referred to are as follows:

#### GENERAL RULE IV.

2. The Commission may, in its discretion, refuse to certify an eligible who is defective in sight, speech, or hearing, or who is otherwise so defective physically as to be apparently unfit to perform the duties of the position to which he is seeking appointment; or an eligible who has been guilty of a crime or of infamous or notoriously disgraceful conduct.

3. If an appointing or nominating officer to whom certification has been made shall object in writing to any eligible named in the certificate, stating that because of physical incapacity, or for other good cause particularly specified, such eligible is not capable of properly performing the duties of the vacant place, the Commission may, upon investigation and ascertainment of the fact that the objection made is good and well founded, direct the certification of another eligible in place of the one to whom objection has been made.

Amendment to Customs Rule IV, approved May 18, 1885:

In case of the occurrence of a vacancy in the classified service of any customs district which the public interest requires shall be immediately filled, and there is no eligible remaining on the proper register, such vacancy may be filled by temporary appointment without examination and certification until a regular appointment can be made under the provisions of sections 1 and 2 of this rule: *Provided*, Such temporary appointment shall in no case continue longer than ninety days, and shall expire by limitation at the end of that time: *And provided further*, That no person shall serve more than ninety days in any one year under such temporary appointment, the year limitation in regard to such appointment to begin to run on the date thereof.

Every such temporary appointment and also the discontinuance of the same shall at once be reported to the Commission.

Paragraph 13 of Rule VIII, approved May 6, 1896, is substantially similar to amendment to Customs Rule IV, above quoted.

Mr. Michel now claims that, notwithstanding the failure of the Secretary of the Treasury to specifically approve the continuation of Mr. Duffy's employment, he is authorized to receive credit for the money paid to Mr. Duffy, because from the correspondence and the circumstances of the case the authority to continue Mr. Duffy's employment was implied.



Mr. Michel's letters all indicate clearly that without the authority of the Secretary of the Treasury he would not be authorized to employ Mr. Duffy, and in all of his letters he asks for authority to continue his employment, as in that of January 9, or to ratify his action in continuing to employ Mr. Duffy after January 15, as he knew that under sections 2621 and 2630, Revised Statutes, he was not authorized to employ Mr. Duffy except with the approval of the Secretary of the Treasury; and as the only approval he had of such employment was for a period of ninety days after October 15, 1895, he continued Mr. Duffy in his employ after that period at his own peril, in the hope that the Secretary might subsequently ratify his action. This the Secretary was unable to do, because to have done so would have violated the civil-service rules above quoted and which have the force of law. It clearly was the duty of Mr. Michel to discontinue the employment of Mr. Duffy after the expiration of the ninety days for which he had been authorized to employ him.

As Mr. Duffy's employment after that time has not been approved by the Secretary, and for the above reasons could not be approved by him, the action of the Auditor in disallowing the amount was clearly right and is therefore affirmed.

R. B. BOWLER, *Comptroller*.

## WHEN OATH OF OFFICE IS REQUIRED PRECEDENT TO PAYMENT OF SALARY.

(IV Comp. Dec., 92-93.)

A person employed by the Secretary of Agriculture for a period of forty days as a special agent, at a salary at the rate of \$200 per month, under authority of an appropriation for collecting agricultural statistics, which does not specifically create any office or position, is not an officer of the United States within the meaning of section 1757, Revised Statutes, prescribing an oath of office, and is entitled to compensation prior to the date of taking the oath.

The question of who is an officer as distinguished from an agent or employee is one not easily determined. Every officer is not required to take the oath under section 1757, but if by law his appointment is vested in the head of a Department he must do so. The appropriation from which Mr. Killin is to be paid provides for—

Collecting domestic and foreign agricultural statistics, compiling, writing, and illustrating statistical matter for monthly, annual, and special reports; special investigations and compilations, \* \* \* one hundred and ten thousand dollars. (Act of April 25, 1896, 29 Stat., 101.)

This appropriation authorizes the employment of such agencies as the Secretary may deem proper, and therefore justifies the appointment of Mr. Killin as a special agent. (Sections 523, 526, Rev. Stat.) It is well settled that the heads of Departments may use all appropriate means for carrying out the work contemplated by an act of Congress. (*Gratiot v. United States*, 15 Pet., 337, 370; 4 Lawrence Comp. Dec., 588, 607.) In *United States v. Maurice* (2 Brock., 96, 102) Marshall, C. J., said:

But the general language of the law must be limited by the Constitution, and must be construed to empower the President to employ those means only which are constitutional. According to the construction given in this opinion to the second section of the second article of that instrument, it directs that all officers of the United States shall be established by law; and I do not think that the mere direction that a thing shall be done, without prescribing the mode of doing it, can be fairly construed into the establishment of an office for the purpose, if the object can be effected without one. \* \* \*

An office is defined to be "a public charge or employment," and he who performs the duties of the office is an officer. If employed on the part of the United States, he is an officer of the United States. Although an office is "an employment," it does not follow that every employment is an office. A man may certainly be employed under a contract, express or implied, to do an act, or perform a service, without becoming an officer.

In *United States v. Hartwell* (6 Wall., 385, 393) it was said:

An office is a public station, or employment, conferred by the appointment of Government. The term embraces the ideas of tenure, duration, emolument, and duties.

The employment of the defendant was in the public service of the United States. He was appointed pursuant to law, and his compensation was fixed by law. Vacating the office of his superior would not have affected the tenure of his place. His duties were continuing and permanent, not occasional or temporary. They were to be such as his superior in office should prescribe.

See *United States v. Germaine* (99 U. S., 508); *Hall v. Wisconsin* (103 U. S., 5); *United States v. Brindle* (110 U. S., 688).

It is clear that the word officer may have a different meaning in one statute from that given to it in another. (See *United States v. Monat*, 124 U. S., 303; *United States v. Hendee*, *id.*, 309). Whether the holding of a particular position made a person an officer within the meaning of section 2 of the act of July 31, 1894 (28 Stat., 205), was considered by the Comptroller in 2 Comp. Dec., 271; *id.*, 467.

Not only must a public employment, to be an "office," be one embracing the ideas of "tenure, duration, emolument, and duties," but it would seem that an office can be created only by law—by the Constitution or by statute (*United States v. Maurice*, 2 Brock., 96; *Browne v. United States*, 2 Curtis, 15, 20)—and that the employment or appointment of a person to be paid from a general appropriation, when there is no law creating the position, does not make such a person an officer. It does not by any means follow that a person paid from a general appropriation, like that for collecting agricultural statistics, is not an officer. The appropriation from which payment is made is not decisive of the question, for a person holding an office created by law may be paid from such an appropriation.

From what has been said it is plain that the Comptroller can lay down no general rule for your guidance in the matter, even if he had jurisdiction to do so. It is sufficient to say that in the present case I am entirely satisfied that Mr. Killin's employment for the period from May 20 to June 30, 1897, as a special agent did not make him an officer, and he is therefore entitled to compensation before taking the oath of office.

## TRAVELING EXPENSES OF THE CIVIL SERVICE COMMISSION.

(IV Comp. Dec., 627, 628.)

The provision in the appropriation for traveling expenses of the Civil Service Commission "for expenses of examinations and investigations held elsewhere than at Washington" does not authorize the payment of a substitute for a registry clerk in a post-office while the registry clerk is detailed for service as secretary of a board of civil-service examiners.

(*Comptroller Tracewell to disbursing agent Civil Service Commission, May 11, 1898.*)

I have received your letter of the 6th instant in reference to reimbursing Forrest L. May, secretary of the board of civil-service examiners at Dayton, Ohio, in the sum of \$3.06 paid by him to a substitute who performed his duties as registry clerk in the post-office while he was engaged in conducting a civil-service examination at Greenville, Ohio, under instruction of the Commission.

You state that the Post-Office Department provides substitutes for letter carriers who are engaged in examination work under orders of the Commission, but that no such provision is made in the case of a registry clerk. It further appears that the postmaster at Dayton reports that it was not practicable to detail another clerk to perform Mr. May's duties during his absence.

As the Commission desires to reimburse Mr. May for his loss in the performance of duty under its orders, you ask whether the amount paid out by him can be repaid

from the appropriation for traveling expenses of the Civil Service Commission. That appropriation is in the following language:

For necessary traveling expenses, including those of examiners acting under the direction of the Commission, and for expenses of examinations and investigations held elsewhere than at Washington, seven thousand dollars.

I do not think this appropriation could be construed to include such an expense as the one now in question. The expense was incurred because the Post-Office Department did not allow Mr. May to be absent from his duties with pay. Whether it should have done so under Rule IV of the civil-service rules is not a matter for the Comptroller's consideration. The Commission's appropriation for traveling expenses, etc., can not be used to pay the salary or compensation of an officer or employee in the postal service who is not granted permission to be absent, without loss of pay, on the business of the Commission.

## DECISIONS OF THE COMMISSION.

(Revised to November 1, 1898.)

### Age.

*False statement in regard to.*—Whenever for reasons satisfactory to the Commission a person is admitted to examination who has made a false or incorrect statement relative to age in previous applications, the fact shall accompany the papers, should the person's name be certified for appointment. (Minutes, Dec. 9, 1895, vol. 19, p. 557.)

See Age limit.

### Age limit.

1. The age limit begins with the filing of the application paper, but in case an applicant will become of the required age on or before the exact day of the examination, his application shall be accepted tentatively, if filed in otherwise complete form, by the hour of closing business on the day prescribed for stopping the receipt of all applications for that examination. Such applications will be numbered with the others that may have received final approval, but they will not be actually approved until the applicants become of the required age. In no case shall an application be accepted for a certain examination if the applicant will not become of the age on or before the day of such examination. (Minutes, July 6, 1896, vol. 20, p. 274; June 4, 1888, clause 4, vol. 8, p. 18.)

2. *Rights of applicants under previous limit, when limit is changed.*—When the minimum age limit was raised from 18 to 20, those who were over 18 but under 20 who had filed applications before the change were allowed to take the examination with the understanding if the period of eligibility of any who became eligible should expire before they became 20, that all such should be allowed reexamination on their old applications, so that they might not be deprived of rights which had accrued under the old rule. (Minutes, Mar. 2, 1893, vol. 10, p. 264.)

3. *Railway Mail Service.*—The age limit is waived in the case of those described in section 1754, Revised Statutes, namely, those discharged for disability resulting from wounds or sickness incurred in the line of duty. The conditions of this service are such that a maximum age limit is necessary, if its efficiency is to be maintained. That limit was fixed at 35 in the civil-service rules, (1) because that was the limit fixed by the regulations of the Post-Office Department before the service was classified, and (2) because the great strain upon the physical constitution and powers of endurance of those engaged in this service, and the greater ease and facility with which young men learn the schemes of distribution, and consequently their greater efficiency in the service, made it necessary to fix it at some point anterior to the time when the average man reaches the maximum of physical and mental ability and aptitude. The question was seriously debated at the time, whether, in the interest of a good service, the limit should not be fixed at 30 rather than at 35.

*Notwithstanding the above considerations, the maximum age limit is waived in the case of those who are entitled to preference in civil appointments under section*

1754, Revised Statutes, not because they are more competent than other honorably discharged soldiers (for in most instances they are undoubtedly less so), but because there is no discretion to do otherwise, since the seventh section of the civil-service law provides that "Nothing herein contained shall be construed to take from those honorably discharged from the military or naval service any preference conferred by the seventeen hundred and fifty-fourth section of the Revised Statutes;" and such preference has been understood to extend to age limits. In excepting from the age limit only those entitled to preference under section 1754 there is no discrimination against other classes, but a discrimination in favor of this particular class, because the laws discriminate in favor of it. Very few of this class, notwithstanding the law's favors, offer themselves for examination, being deterred, no doubt, by a knowledge of their physical incapacity for the hardships of the service or to meet the requirements of the physical examination which must be undergone in connection with the filing of the application. (Letter Book U, p. 126, Mar. 22, 1892.)

4. *Physicians, Indian service.*—The Indians as a rule look upon persons of age and experience as alone qualified to render medical service, and very often refuse to accept attendance or medicines from those who are young in years, believing that they are not sufficiently experienced to be relied upon. The change of the rule (reducing the minimum age limitation from 25 to 21 years) might therefore work a hardship to the persons appointed, in that after having gone to the expense incident to removal to the far West, it might be found that the Indians refuse to accept their services, and as, in the case of physicians, the most important thing is to secure the confidence of the Indians, failure to do so would of course render necessary the severance of the connection of the appointee with the service. (Letter of the Commissioner of Indian Affairs, Sept. 15, 1893.) [By section 4, of civil-service Rule V, the minimum age limit of physicians in the Indian service is fixed at 25 years.]

#### **Appeal from markings.**

*Customs and postal service.*—Inspection by competitor of his papers may take place in the presence of the secretary of the board or of any other member when necessary, the competitor to make no copy of questions or answers, and the board to review no papers except on appeal made in writing. Ordinarily, appeals should be made directly to the Commission, but the board may review papers on appeal, and, if errors in the markings are discovered, may obtain consent of the Commission for their correction. It is not desirable that the board should hear oral statement or argument by appellants in the support of their appeals. (Minutes, Apr. 24, 1888, clause 6, vol. 7, p. 301.)

#### **Applicant.**

1. *Addresses of applicants not to be furnished to private parties.*—Requests for permission to copy names and addresses of applicants will be denied. This is information which should not be made accessible to private individuals for private enterprises. (Minutes, July 3, 1897, vol. 21, p. 288.)

2. *Inspection of papers.*—No person will be permitted to inspect the papers of applicants who habitually or regularly does so for many different persons, and permission will not be granted to any representative of an applicant to see his papers after the expiration of thirty days from the date of notice of standing, except upon a statement of the reasons by the applicant, approved by the Commission. (Minutes, Feb. 26, 1895, clause 4.)

**Application.** See Opinions of Attorneys-General, ante, 13, and Certification. See also Manual of Examinations.

#### **Appointment.**

1. *Dropping from one register when appointed from another.*—Any applicant who is on a clerk register and also on one or more special registers may be certified from any one, and if appointed from the clerk register shall remain eligible on the special registers; but if appointed from a special register shall be dropped from all other

registers. (Minutes, Jan. 18, 1887, clause 1, vol. 4, p. 54; See Reg. IX, Form 117 of April, 1899.)

2. "Lowest class or grade" means lowest class in a grade for which an entrance examination is provided. (Minutes, May 21, 1888, clause 2, vol. 7, p. 397.)

3. *Approval of Commission necessary.* (See Opinion of Comptroller of the Treasury, July 25, 1896, p. 215.)

4. When a post-office is in the classified service persons irregularly employed can not be legally paid. The expense of paying them must be borne by the postmaster himself and not by the Government. (Minutes, Aug. 23, 1893, clause 12.) This view has been sustained by legal authorities.

5. *When declined.*—The Commission will not allow requests for the benefit of remaining certifications, except in special cases, unless such requests are made within thirty days from the date of the Commission's letter informing an eligible of the regulations relative to the benefit of remaining certifications which the rules allow. (Minutes, Feb. 2, 1897, vol. 21, p. 45.)

6. *Absolute—where it has not been given, and employee still remains in the service.*—Where a person, after having completed a probationary service, still continues in the service, and it is apparent from such continuance that his conduct and capacity are satisfactory, absolute appointment must be conclusively presumed. (Letter Book L, p. 343.)

See Probationary period; Temporary appointments; Legal residence; see also Opinions of Attorneys-General, post, 11, 12, 14-17, 24, 36, 46.

### **Apportionment.**

1. Examinations can not be allowed under Rule X, section 2, for transfer to the departmental service to nominees residents of a State that has received its full share of appointments unless the officer making the requisition for the transfer or the nomination for appointment shall state that the conditions of good administration in his department demand the appointment of the particular person named because of certain qualifications possessed by him to meet the special requirements of the place, and that such requirements can not be met by the ordinary methods of promotion and appointment. (Letter Book U, p. 91, Mar. 7, 1892; Minutes, Sept. 19, 1888, clause 6, and Minutes, Dec. 23, 1896.)

2. *Preference claimants (1754, R. S.).*—Certification of claimants entitled to preference under section 1754, Revised Statutes, shall be made without regard to apportionment. An applicant will not be denied examination or certification even though his State has received an excessive share of appointments. (Minutes, Sept. 17, 1886, clause 17.)

3. *Policy of Commission in transfers.*—When it is desired to transfer a clerk in the Railway Mail Service to a clerkship in the Post-Office Department, the same conditions of appointment must be observed as for original entrance into the service, in order to comply with the requirement of law for the equal maintenance of apportionment as nearly as possible among the several States. (Minutes, Sept. 5, 1896, vol. 20, p. 336.)

4. *Second appointment not to be charged.*—Whenever a person who has been appointed under the civil-service law to a place in the classified departmental service and charged to the apportionment resigns, and within one year enters another position in the classified departmental service to which he could have been appointed by reinstatement and transfer, his name shall not be charged to the apportionment. (Minutes, Mar. 6, 1894, vol. 17, p. 73; see also Transfer.)

5. Persons employed in the mail-bag repair shop, Post-Office Department, need not be charged to apportionment, the character of the work not being such as affords a basis for fitness for transfer to clerical service; and employees on the rolls of the repair shop should not be detailed to the work of the Department proper, especially of the clerical grades. (Letter Book 10, p. 197.)



6. *Bureau of Engraving and Printing.*—In pursuance of the provisions of Rule VIII, section 5, all positions in the Bureau of Engraving and Printing will be treated as in the apportioned service except those expressly excepted therefrom by said section, namely, the positions of printer's assistant, skilled helper and operative, the designation of operative not being a general designation, but a definite and specific designation applied to the position next above that of printer's assistant. (Minutes, Sept. 1, 1898, clause 5.)

See Legal residence, 13.

### Certifications.

1. *Certification from special registers, to be without regard to salary.*—It is not the practice to reserve a name for a place of any particular grade, but eligibles are certified strictly in the order of vacancies for which special qualifications are needed, without reference to salary. (Minutes Apr. 5, 1888, clause 2, vol. 7, pp. 232, 233.)

2. *Course to be pursued in case an eligible certified to a place declines the same, and asks the benefit of the remaining certifications the rules allow.*—The eligible is not to be again certified to the identical place which he has declined, but should be certified to the next (place), a vacancy to which he is entitled to certification. If, however, the identical place which he declined, after having been filled, should again become vacant, he should be again certified to that place if at the time entitled to certification. In other words, the rule to be invariably followed is the certification of the names of the three eligibles having highest grade at the time of the certification. (Minutes, Oct. 28, 1893.)

3. *Benefit of remaining certifications after declination.*—Hereafter the Commission will not allow requests for the benefit of remaining certifications, except in special cases, unless such requests are made within thirty days from the date of the Commission's letter informing an eligible of the regulations relative to the benefit of remaining certifications which the rules allow. (Minutes, Feb. 2, 1897, clause 1.)

4. A selection having been made from a certification, and the papers returned to the Commission, that certification is no longer in force, and no further selection can be made therefrom. (Minutes, Dec. 5, 1893, clause 1; see also Abstract of opinion of the Attorney-General of Apr. 3, 1894, in Opinions of Attorneys-General, post, 21; and Pulaski v. Lyman, Washington Law Reporter, vol. 21, p. 403.)

5. Date of receipt of request for certification determines whether a particular eligible shall be certified when year of eligibility has expired between the date of the receipt of the request and the date of the certificate. (Minutes, Oct. 10, 1896, clause 2, vol. 20, p. 378.)

6. *From higher registers to fill lower places.*—Certification from higher registers to fill lower places may be made only when the lower register is exhausted and can not be replenished in time to meet the demands of the service, and then only with the consent of the competitors in writing. The Commission's approval of any such proposed certification must first be obtained. The order of general average must be followed, omitting the names of those not willing to accept the lower place, certifications to be charged only to those certified who have expressed willingness to accept the lower place. Certification may be made from a high-grade register for filling a low-grade position, though there be eligibles on the lower-grade register, if, in the Commission's opinion, such action is necessary, and provided that permission be obtained by the local board from the Commission before the issuance of any such certificate. (Minutes, Dec. 3, 1896, clause 6, vol. 20, p. 437.)

7. *Restoration to the eligible register upon declination of appointment.*—Where a person declines appointment and asks the benefit of remaining certifications, his name is not to be placed on a certificate issued for the precise place which he declined. When more than one certification to places of a precisely similar class are made at the same time, they shall, so far as such eligible's request is concerned, be treated as being a certificate for the precise place. (Minutes, May 23, 1894, clause 13, vol. 17, p. 255.)

8. *Political or religious conditions excluded.*—Each eligible is entitled to three certifications, and the postmaster, in making selections from certifications, if he permits an



eligible to be three times certified without selection, is not required to state his reasons, but he is forbidden by the rules to allow political or religious considerations to influence his action. (Minutes, Nov. 12, 1894, clause 12.)

9. *Indian service*—where lack of eligibles from any district, eligibles from other districts to be certified.—Whenever there are not sufficient eligibles in any district to make a complete certification, the names of eligibles from other districts will be included in the certification; but, if such eligibles decline to accept appointment outside of their own districts, they will not be charged with the certification on which their names are entered. (Minutes, Aug. 9, 1897, clause 5.)

10. *Customs service*.—Certificate can not be issued for the grade of regular clerk when there is a person employed in the district as an occasional storekeeper who has not been promoted to the regular or permanent force. (Minutes, May 28, 1897, clause 7, vol. 6, p. 232.)

11. *Deputy officer, clerk, day inspector, sampler, etc.*—In making certifications for the Custom-House Service persons shall be certified to the position of deputy officer, clerk, day inspector, sampler, etc., in accordance with the particular position or positions indicated by the applicant in his application paper, and the registers will be so prepared as to show the particular position or positions for which each eligible has made application. Any person taking any of the three grades of examination will be entitled to have his name entered upon any one or all of the registers of that grade, as he may elect. In case of the certification of a person for a position not indicated by that person and which position is declined, that certification shall not be charged as one of the three to which the eligible is entitled. (Minutes, Nov. 2, 1898, clause 7.)

12. *Navy-yard service and local service of Treasury Department*.—Certification of stenographers and typewriters for vacancies at navy-yards or in the local service of the Treasury Department shall be made of eligibles standing highest from States nearest to the district in which the vacancy exists. (Minutes, Sept. 1, 1896, vol. 20, p. 330.)

13. *Custodian service, Treasury Department*.—Certifications for the custodian service may be made from customs and post-office registers of persons having requisite qualifications where the Commission has no special registers for the custodian service. (Minutes, Jan. 5, 1897, clause 5, vol. 21, p. 3.)

14. *Internal-Revenue Service*.—In making certifications for the Internal-Revenue Service a person shall be certified for the position of deputy collector, storekeeper, and gauger, and for other positions, in accordance with the particular position indicated by the applicant in his application paper; and that in case of the certification of a person for a position not indicated by him, and which he declines, said certification shall not be charged as one of the three to which he is entitled. (Minutes, Feb. 25, 1898, clause 3.)

15. *Bureau of Engraving and Printing and Government Printing Office*.—Certification from skilled-laborer register to the Bureau of Engraving and Printing and to the Government Printing Office shall be made according to preference of eligibles. (Minutes, Apr. 10, 1897, clause 15, vol. 21, p. 148; see section 15; see also Apportionment and Opinions of Attorneys-General, post.)

16. *Government Printing Office*.—Requests from the Government Printing Office for certification of persons experienced as press feeders or sewers will be filled by certifying from the skilled-laborer register, in the order of grade, the names of persons who have demonstrated to the satisfaction of the Commission at the time of the examination that they have the required experience. (Minutes, Nov. 30, 1897, clause 2.)

See Legal residence; see also Opinions of Attorneys-General, post, 31, 33.

### Citizenship.

*Applicants who are not native-born citizens of the United States must produce evidence of full citizenship*.—Hereafter no application for examination in any branch of the

classified service made by a person who is not a native-born citizen of the United States shall be approved by any person or board authorized to approve applications until the final naturalization paper or other record evidence of full citizenship is produced. The declaration of intention to become a citizen of the United States does not constitute citizenship, and does not entitle the person who has made it to a civil-service examination. After the approval of the application of a naturalized person the final papers or record evidence of such naturalization may be returned to the applicant. (Minutes, Apr. 23, 1892, clause 2. See Manual of Examinations, Titles, Citizenship; Jurat and Legal Residence.)

### Classification.

1. *Position of unskilled laborer—discretion of Department in filling same.*—The Commission finds that the position formerly held by T. is one created and appropriated for by Congress as that of a mere laborer, and therefore such a position is expressly excluded from classification by the terms of the civil-service act, provided, of course, its occupant performs only the duties of this position—that is, of mere laborer. While occupying this position T. was brought into the classified service in pursuance of the direction of the President that all positions whose occupants are designated as laborers or workmen, but who prior to May 6, 1896, and at that time were regularly assigned to the performance of classified duty, should be classified. This was a case where the employee was classified in pursuance of this direction of the President, because of the fact that he was performing classified duty, although at the time borne on the rolls in a position of mere laborer. When a person is thus classified, the position of mere laborer which he holds at the time becomes also classified, but *only* by virtue of the person's classification, and not by virtue of the duties of the position itself. The status in the classified service of this kind of position is entirely different from that of a position (for example, clerk, messenger, page, etc.), which is classified by virtue only of its designation and natural duties, and entirely independent of and without reference to the person holding it. This latter kind of position, being classified by virtue of its designation and its natural duties, can not be removed from the classified service unless by order of Congress or the President. On the other hand, a position of mere laborer, which becomes classified as shown above, merely by reason of the classification of the person filling it, has no status in the classified service independent of its occupant; therefore, whenever any such position of mere laborer which has thus been classified becomes regularly vacant, it is within the option of the Department whether the position shall be treated as continuing in the classified service or as in the unclassified service, provided, of course, that if treated as in the unclassified service, and appointment accordingly made thereto without compliance with the civil-service law and rules, the person appointed shall not be assigned to the performance of any classified duty; and that, if treated as continuing in the classified service, the position must be filled in compliance with the civil-service law and rules.

Assuming that the position in question in the Post-Office Department is one created and appropriated for by Congress as that of mere laborer, and that it has now become vacant, the request of the Department for authority to now treat the position as in the unclassified service will be granted. (Minutes, Nov. 26, 1898, clause 4. See sec. 2.)

2. *Position of page, Post-office Department.*—The Commission finds that the position of page is one which, at the direction of the President, the Department has specifically classified by name; that it is one which is classified by virtue of its designation and the natural duties belonging to it. Both the designation and the natural duties of the position of page are other than those of mere unclassified laborer. This position is not one which became classified by virtue of the fact that, at the time of the President's direction to classify, the occupant of the position was assigned to the performance of classified duty, the only positions thus classified being those of mere laborer, in which cases the classification of the position is merely incidental to and

by virtue of the classification of the occupant. (See section 1, *supra*). The position of page, being classified only by virtue of its designation and natural duties, the Commission holds that it can not be removed from the classified service unless by action of Congress or of the President. (Minutes, Dec. 5, 1898, clause 1. See sec. 1.)

3. *Postal service—conditions arising which work classification.*—A substation was made a full station by the Post-Office Department, to take effect February 1, 1898. The position of clerk in charge at the substation came within the provisions of Rule III, section 8, and under the provisions of that section was excluded from the classified service. Upon the substation becoming a full station, the conditions by reason of which this position was excluded from the classified service ceased, and that position by operation of the law was brought into the classified service. (Minutes, Feb. 7, 1898, clause 1.)

4. *Same—when classification goes into effect in post-offices.*—When the free-delivery service is established at a post-office, such office becomes classified on the day that the free-delivery service goes into effect. (Minutes, Apr. 30, 1896, clause 16.)

5. *Free-delivery post-offices and President's order of Jan. 5, 1893.*—Under the opinion of the Attorney-General of May 5, 1893, the free-delivery offices embraced in the President's order of January 5, 1893, become classified offices when the first examination is held. (Minutes, June 16, 1893, clause 1.)

6. An office once subject to the examinations does not cease to be subject to them merely because of any change in the number, the grades, or the classes of employees. (Minutes, May 14, 1888, vol. 7, p. 370.)

7. *Per diem employees.*—Under the terms of the departmental classification all the employees who, on the one hand, are not appointed by and with the advice and consent of the Senate, or, on the other hand, are not employed merely as laborers or workmen, are classified and subject to the civil-service rules, and if not specifically excepted from examination are subject to examination. The manner of their employment and payment does not in the least affect this question. It makes no difference whether they are employed at an annual salary specifically provided for by appropriations, or at a compensation fixed by the head of the Department and paid out of the lump sum appropriated for the specific work, or whether the employment is permanent or temporary. They are in any case classified employees, and must be appointed in the manner provided by the civil-service rules.

8. All persons in post-offices who are engaged in handling mails are classified employees and can only be appointed in accordance with the rules. (Minutes, Nov. 19, 1891, clause 13.)

See Opinions of Attorneys-General, post, 36-39.

### **Collusion in examination.**

Where there is a charge of collusion or misconduct against a competitor in any examination, the entry upon the register of the names of the other competitors in that examination shall not be postponed to await investigation of the charge. The name of the suspected or accused person will, if such person is exonerated upon investigation, be placed upon the register at a later date, the year of eligibility to begin with the date of such entry. (Minutes, May 14, 1898, clause 3.)

### **Eligibles and registers of eligibles.**

1. Where the head of a Department desires to make an appointment of a person to a position, it is the duty of the Department, before making such appointment, to make inquiry of the Commission whether a register of eligibles exists from which appointment can be made. (Letter Book X, p. 39.)

2. The Commission should be advised by a Department of the need of preparing a register of eligibles from which vacancies can be filled, if there is no such register. (Letter Book X, p. 42.)

3. *Dropping name from register, customs and postal services.*—It is competent for a board of examiners, without previous approval by the Commission, to drop from

the register the name of any eligible upon proper written request of such eligible. The request should be kept on file. A withdrawal from the register which will evade the provisions of the rules forbidding a reexamination during the period of eligibility, without the consent of the Commission, must not, of course, be permitted. (Book A, p. 253, Dec. 2, 1887.)

4. *Expiration of eligibility during temporary service.*—A person appointed for temporary service from a register of eligibles and whose year of eligibility may have expired during such period of temporary service may, upon the request of the appointing officer, be certified for permanent appointment, provided the relative standing on the register of the said eligible at the time of selection for temporary appointment would have entitled him to certification at that time for permanent appointment. (Minutes, Feb. 12, 1898, clause 8.)

5. *Certain eligibles temporarily exempt from taking basis examination.*—Persons who are now eligible or attain eligibility hereafter on the basis part of any first, second, or third grade examination will not again be required to take the same grade basis as a part of any auxiliary examination for a period of five years; although, if they so desire, they may be reexamined on the basis not oftener than once a year. Eligibility, however, in those examinations requiring only the basis subjects, such as clerk, tagger, messenger, etc., will not be continued beyond one year. (Minutes, July 23, 1898, clause 6.)

6. *Eligibles enlisted in the military or naval service.* *Ordered,* That the action of the Post-Office Department in connection with eligibles who have enlisted in the military service of the United States, based on the circular of the First Assistant Postmaster-General, under date of June 24, 1898,<sup>1</sup> be, and the same is hereby, approved. \* \* \*

The Commission considers that amended clause 4 of Rule VII was not intended to apply to persons who were serving in the Regular Army or Navy of the United States at the outbreak of the war with Spain. (Minutes, Oct. 19, 1898, clause 2.)

7. *Eligibles on certain regular registers may compete in special examinations.*—Hereafter eligibles on the regular registers covered by the "first," "second," and "third" grade examinations may compete in all special examinations requiring technical and expert knowledge, such as examiner (special), assayer, admeasurer, assistant ganger, etc., without canceling their eligibility on the existing registers. Persons on the special registers may likewise enter the examinations covered by the first, second, and third grade examinations without having their eligibility canceled. This action revokes all previous decisions, and establishes a precedent for the customs examinations. (Minutes, Dec. 2, 1895, clause 3.)

8. *Cancellation of eligibility under a prior examination.*—Where any person applies for and passes an examination which necessitates cancellation of eligibility under any former examination, such cancellation shall not be made until the name is entered upon the register from the new examination. And if an eligible average is not attained, eligibility on the former register is to continue, the Application Division to make in all necessary cases such a memorandum on the outside of application papers as will insure cancellation from the old at the time the name enters the new register. (Minutes, Mar. 14, 1898.)

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<sup>1</sup>In order that persons on the eligible register who have enlisted in the military service of the United States, or who may enlist hereafter, may not lose their standing on the eligible register, the following general rule has been adopted by the Department to govern appointments in the classified post-office service:

Whenever a vacancy in the clerical force of a classified post-office occurs, or whenever it becomes necessary to appoint a substitute clerk, if the certification contains the name of any person who has enlisted in the military service of the United States, such person shall be entitled to appointment. If appointed to a regular clerkship, he will simply be regarded as absent without pay on military duty and the temporary vacancy will be filled in the usual way, and the place kept open for him, as in the case of regular clerks in the military service. If appointed as a substitute clerk, the rules governing promotions of substitutes will apply. The only exception to this rule is in the case of eligibles entitled to preference under the provisions of section 1754, Revised Statutes.

9. *Transfer of name from one register to another.*—The Commission holds that the transfer of a name from one register to another may be made where no essential tests different from or higher than those in the examination for the register from which the eligible desires to be transferred are involved. (Minutes, July 27, 1898, clause 4.)

10. *Restoration of name to register.*—Wherever a person accepts appointment to a position in any Department or office to which he has been certified, and afterwards, before the expiration of his probationary period, becomes separated from the service without delinquency or misconduct, the name of such person may, upon his request in writing, be restored to the proper register for certification to any other Department or office until the expiration of the period of one year from the date when his eligibility on the register first began: *Provided*, That such person shall accompany his request for restoration to the register with a statement in writing showing reasons satisfactory to the Commission for his desire for such restoration. (Minutes, Aug. 1, 1898, clause 2.)

11. *Opening of registers to the public.*—In order to secure uniform practice in connection with furnishing information to eligibles, the Commission on July 18, 1898, informed the heads of the several Executive Departments, independent bureaus, and commissions, that unless good reason to the contrary was shown by such officers before August 1, 1898, the Commission would, on and after August 10, 1898, furnish to any eligible information as to his or her relative standing on the respective register. Therefore, as no good reason has been shown why this information should not be furnished, except as to certain registers for the Department of Agriculture, namely, the registers for assistant microscopist, observer in the Weather Bureau, tagger, stock examiner, and meat inspector, regarding which registers the Department of Agriculture made special request that no information be furnished to eligibles concerning relative standing.

*It is hereby ordered* by the Commission that on and after this date an eligible on any register except those mentioned above may, upon proper request, in person or by letter, or by authorized representative, be informed of his or her relative standing on such register. The Commission further orders that by this action it is not intended to permit any register to be inspected, but simply that information as to the relative standing of a particular eligible will be communicated in all cases where practicable, on the form provided for that purpose.

*It is further ordered*, That where an examination is held to fill some particular position, no information in regard to grade or relative standing shall be communicated to any one until after certification is made, selection reported, and the appointment made. (Minutes, Sept. 2, 1898, clause 2.)

12. *Stenography and typewriting registers.*—The minutes of December 4, 1897, are hereby amended to read as follows:

The register of eligibles for stenographers and typewriters will hereafter be prepared by States, in the same manner as for clerks, and certifications from this register will be made according to the rule of apportionment, as provided in section 3 of clause 1 of the minutes of November 29, 1897, in all cases in which the salary is less than \$840 per annum. In cases where the salary is \$840 per annum or more certifications from this register will be made according to grade, regardless of legal residence.

The Commission holds that the provisions of clause 4 of the minutes of February 25, 1898, refer to eligibles in stenography alone, in typewriting alone, and in stenography and typewriting combined. (Minutes, Feb. 25, 1898, clause 4; Mar. 25, 1898, clause 4.)

See Legal residence; see also Opinions of Attorneys-General, post, 24, 33.

## Examinations.

*Eligibility under second examination.*—When an applicant whose name is upon any register of eligibles shall be again examined for the same register, his name will be entered upon the register under such examination at the same date with other eligibles, and if the term of eligibility has not expired under the first exami-



nation, the new entry shall be treated as canceling the old, and when any person applies for and passes an examination which necessitates cancellation of eligibility under any former examination, such cancellation shall not be made until the name is entered upon the register from the new examination. And if an eligible average is not attained, eligibility on the former register is to continue. (Minutes, Aug. 31, 1897, clause 2, vol. 21, p. 336, and Mar. 14, 1898, clause 9.)

See Eligibles and registers of eligibles, 7, 8; see also Opinions of Attorneys-General, post, 23, and Commission's Manual of Examinations.

### Examining boards.

1. *Pay of substitute carriers employed as examiners.*—The Post-Office Department holds that the opinion of the Assistant Attorney-General for the Post-Office Department, rendered July 23, 1892<sup>1</sup> (see Opinions of Attorneys-General, post, 47), in relation to the pay of letter carriers while serving on boards of examiners, and of their substitutes, covers the case of a member of the board of examiners for the post-office who is a substitute letter carrier. (Minutes, May 31, 1893, clause 11.)

2. *Selection of examiners from different political parties.*—Whenever in any office all the members of the board are of one political party, as rapidly as practicable one or two of the members of the board shall be changed, so as to have two or more parties represented. (Minutes, May 29, 1893, clause 12.)

3. *How far political affiliations of members considered.*—It is not the province or practice of the Commission to take cognizance of the political predilections of officials serving on examining boards, except in so far as to give the public assurance of nonpartisan action in not constituting any board wholly of the members of one political party and carrying into the membership of each board the same wise principle declared in the civil-service act in constituting the Commission itself of members of different parties. (Minutes, May 11, 1888, clause 7.)

Nominations for all boards should be made in such form as to obtain a record of the political affiliations of the persons nominated for membership therein, in order that the Commission may be assured that the provisions of Rule IV, clause 5, are complied with. (Minutes, July 3, 1896, clause 3.)

4. *Members of political associations not to serve on boards of local examiners.*—A person in the public service who is a member of any political committee, or of any association organized for the purpose of or engaged in the work of promoting the interest of any political party, shall not be eligible to membership on any board of examiners of the Commission, and participation in political conventions by representatives upon such boards will be a cause for relieving them from duty thereon. (Minutes, Jan. 22, 1896, vol. 20, p. 41; Oct. 10, 1887, vol. 6.)

5. Where upon investigation it is found that available material exists in such post-offices, some employee other than the assistant postmaster or chief clerk acting as assistant postmaster shall be designated as secretary of such board. (Minutes, Jan. 3, 1896, clause 16.)

6. *An agency of the Commission.*—In its creation a board of examiners is not beyond and outside of the jurisdiction of the head of the office; but after its creation it is an agency of the Commission and not of the head of the office, and must perform its work under the direction of the Commission (section 3, civil-service act). This must be so, or the Commission might find itself very much embarrassed in the execution of the law and the rules. It is imperative that the intercourse between the Commission and the examiners be direct. Under the law and rules, the first connection that the head of the office has with any business of the board is when he wishes to fill a vacancy and makes a requisition upon the board for a proper certification. He deals

<sup>1</sup>A letter carrier who is a member of the local board of examiners shall receive full pay for each day he is engaged with other members of the board in conducting a civil-service examination, and orders defining his duties as letter carrier shall not affect him while so employed. The eight-hour law must be strictly complied with, and under no circumstances shall such letter carrier consume more than eight hours per day as member of such board. (Order of First Assistant Postmaster-General of February 8, 1895.)



with the board in this matter, and in all other matters, as the agents of the Commission and not as his own subordinates. In the discharge of their duties as employees of the office the members of the board are wholly under the jurisdiction of its head. In the discharge of their duties as examiners they are wholly under the jurisdiction of the Commission. This should produce no clashing, and, as a rule, does not. While maintaining its own rights and authority under the law and rules, the Commission is always careful not to trespass upon the rights and authority of others and will never countenance any assumption of authority on the part of its examiners which does not rightfully belong to them. (Letter Book R, p. 78, Mar. 9, 1891; XV, p. 107.)

7. *Supplies for examiners to be furnished by the offices for which the examinations are held.*—The civil-service rules were framed with the understanding, and they seem clearly to imply, that in practice the carrying on of the examinations and the supply of stationery and of the means of safely keeping the records shall come from the offices for which the examinations are to be held. Rooms are not only to be heated and lighted, but are to be “furnished” for the purposes of such examinations; and in all proper ways the examinations and the execution of the rules are to be facilitated. The work incident thereto is to be regarded as a part of the public business to be performed at such office. The rooms could not be said to be “furnished” or the examinations to be “facilitated” if the boards should be left without the stationery, etc., indispensable. This duty is not dependent on the rules, but is imposed by the civil-service law. (See section 2, clause 1, and section 3, side heading, Duties of public officers.) As such supplies have heretofore been furnished by the offices themselves, the Commission has assumed that this view of the matter has had the concurrence of the Post-Office Department. (Letter Book Q, p. 111, Nov. 25, 1890; IX, p. 23; see Opinions of Attorneys-General, post, 47.)

#### **Excepted places.**

1. Where a person is appointed to an excepted place he must perform the legitimate duties of the place, and of no other place, unless the duties of the other place are performed in addition to and not in lieu of the duties of the excepted place. (Minutes, Apr. 17, 1894, clause 16; May 23, 1888, clause 4; see, also, Promotion.)

2. If an excepted position in a classified post-office is, by formal action of the Postmaster-General and this Commission, placed within the nonexcepted class, the occupant of the position is also placed within that class, and thereafter has the same status as if he had been originally appointed to that force through regular examination and certification. (Letter of Aug. 26, 1892, to postmaster at Milwaukee, Wis.)

3. *Transfers from excepted to nonexcepted places.*—Where a person has been appointed to an excepted place by promotion through the lower grades of the classified service, he may be transferred to a nonexcepted place without examination, the requirement of an examination applying only to those appointed to excepted places from outside the classified service of the office in which they exist. (Book M, p. 20, Dec. 14, 1889.)

4. The transfer of a position from the excepted list to the nonexcepted list has the same effect upon that position as the classification of an unclassified place has upon such position, so far as to give the same rights in the matter of reinstatement to a person separated from an excepted place before it is made nonexcepted, as is given to a person separated from an unclassified place before its classification. (Minutes, Jan. 22, 1895, clause 4.)

5. A person who is appointed to an excepted place by promotion through the lower grades of the classified service, or who occupied an excepted place at the time the office was classified or the place became an excepted one, may be transferred from such excepted place to a nonexcepted place. (Minutes, Nov. 22, 1894, clause 5.)

6. *Removal from such places for political reasons forbidden.*—Section 3 of Rule II provides that no person in the executive civil service shall dismiss, or cause to be dismissed, or make any attempt to procure the dismissal of, or in any manner change the official rank or compensation of any other person therein because of his political or religious opinions or affiliations. All excepted positions are within the classified

service, and, under section 2 of the civil-service act and Rule II, no removal may be made from such positions for political reasons. While under section 2 of the civil-service act positions within the classified service may be excepted from the requirement of examination, they are not excepted from the separate prohibition of removal for political reasons. The President, in the civil-service rules, has recognized this construction of the act and carried out its provisions by forbidding changes in the classified service, including excepted places, for political reasons. (Minutes, June 10, 1896, and letter to Postmaster-General, Apr. 1, 1896, File 478.)

7. Only the person borne upon the roster of the office as cashier is excepted, and where a man is borne upon the roster as deputy collector and simply detailed to act as cashier, he would not be excepted. (Minutes, June 13, 1896.) See Promotion, 1, and Reinstatement.

#### Janitor.

*Definition of the word.*—As applied by the Post-Office Department, the word “janitor” will cover positions in that Department of persons who are engaged in scrubbing, sweeping, washing windows, making fires, and such other duties of a like character as it may be necessary to assign them; but the term can not under any circumstances be applied to persons who perform clerical work. (Minutes, Apr. 7, 1897.)

#### Legal residence.

1. *Question of county.*—Where a person has resided continuously all his life in one State, but has moved from one county to another, he may make application by proving his residence in the two counties in which he has made his domicile. (Minutes, Apr. 1, 1895; May 3, 1895.)

2. *County officer's certificate.*—Ordered, That a person in the departmental service in the District of Columbia—or, in other words, a person in the apportioned service—who files an application for examination, shall not, in pursuance of the act of July 11, 1890, be required to furnish the certificate of an officer in the county in which such person claims to be a legal resident. (Minutes, Aug. 10, 1898, clause 4.)

3. *Not material in the case of a letter carrier.*—Application of a person for the grade of letter carrier will be accepted notwithstanding it is made after a residence of only two days in the city. (Minutes, Mar. 9, 1895, vol. 19, p. 25.)

4. *Railway Mail Service—application to be accepted without regard to length of time applicant has resided in the State or Territory from which made.*—There is no law, rule, or regulation which requires that an applicant for the Railway Mail Service shall have had a residence in the State from which he makes application for any definite length of time. The law which applies to applicants for the departmental service does not apply to applicants for the Railway Mail Service, and where an applicant complies with the requirements of the application blank and furnishes the certificates of vouchers who are residents of the State from which he applies, who have known him for six months or more, and so certify, his application should be accepted without regard to the length of time he has been a resident of the State, it being held that he is eligible to file an application as soon as he establishes a residence, and such residence shall be held for that purpose to be established when the change from his former residence to the new one is actually made. (Minutes, Mar. 8, 1892, clause 2.)

5. *Customs Service.*—Statute requires an inspector to reside in a place where duties are to be performed. Certification is made in strict accordance with the rules not in contravention of the statute. The statute does not require that the applicant shall reside at a certain place, but only that the inspector shall reside there. The practice of the Treasury Department conforms to the statute. (Minutes, Dec. 13, 1889, clause 1.)

6. *Applicants for departmental service outside of Washington, D. C.*—Ordered, That any applicant for examination for positions in the departmental service outside of Washington, D. C. (that is, positions in the nonapportioned departmental service), shall be required to furnish the certificate of an officer of the county of which such

applicant claims to be a citizen, as prescribed on the application blank forms of the Commission; but an application from any such applicant, if otherwise in correct form, shall be accepted without regard to the length of residence shown by this certificate. The required form of certificate will be accepted from an applicant, either for the apportioned or for the nonapportioned service, if executed by any public officer in the county in which the applicant is a resident, provided his official character be properly authenticated under official impression seal. (Minutes, July 16, 1898, clause 6.)

7. *Of women separated from their husbands but not divorced.*—Where a woman who is an applicant for an examination has been abandoned by her husband she will be requested to file a statement showing where she was residing at the time of the abandonment, and she must show a continuous domicile at the place claimed as her place of legal residence for not less than six months prior to the date of her application and subsequent to her abandonment by her husband. (Minutes, Sept. 14, 1894; vol. 18, p. 25.)

8. *Where applicant or eligible changes his place of residence.*—Where an applicant for the departmental service subsequent to the filing and acceptance of his application makes a bona fide change of residence from one State to another he loses his status as an applicant or eligible of the State from which he removes at the time of such removal, and does not acquire a right to be treated as an applicant or eligible of the State to which he removes until he has resided therein six months and has filed with the Commission an affidavit of change and all the certificates required in an original application. (Minutes, Jan. 17, 1893, vol 15, p. 8.)

9. *Change of legal residence.*—Whenever an eligible desires to change his legal residence to another State he will be required to establish new legal residence by the same proof, namely, county officer's certificate and two citizens' vouchers, as is required of an applicant to establish legal residence in the first instance. (Minutes, March 22, 1898, clause 1.)

10. *Establishment of a legal residence a prerequisite to certification for original appointment, reinstatement, and transfer.*—Ordered, That no certification for reinstatement, transfer, or original appointment be issued unless the papers of the persons to be certified are complete in every particular, especially so far as the application blank is concerned in which the legal residence is disclosed. (Minutes, Dec. 6, 1897, clause 2.)

11. *Reinstatement to the apportioned service.*—A person to be reinstated who was charged to the apportionment, if reinstated within a year from the date of separation from the service, shall not be required to file an application proving legal residence, provided he claims residence in the same State from which originally appointed. (Minutes, May 12, 1898, clause 1.)

12. *Reinstatement precedent to transfer to nonapportioned service.*—A person reinstated merely for the purpose of transfer to the nonapportioned service will not be required to file the usual certificate establishing legal residence, and will not be charged to the apportionment. (Minutes, April 30, 1898, clause 3.)

13. *Transfer from nonapportioned to apportioned service.*—Persons who have been appointed in the nonapportioned service through examination and certification and who at that time proved their legal residence, and who have been continuously in the Government service since their appointment and still claim legal residence in the State from which they were appointed, shall not, in the event of their transfer to the apportioned service, be required to file another application establishing their legal residence, but they shall be charged to the State from which originally appointed. (Minutes, May 21, 1898, clause 4.)

14. *Eligibles seeking transfer.*—Where a person to be transferred has taken an examination and his name is upon the register of eligibles, the fact that he is an eligible will be allowed to stand in lieu of his being required to again file an application showing legal residence. (Minutes, April 28, 1898, clause 1.)

*See Opinions of Attorneys-General, post, 34, 45.*

**Mechanical trades.**

The term "mechanical trade," used in Rule XI, was intended to cover compositors, pressmen, bookbinders, stereotypers, and electrotypers. A person following a mechanical trade in the Government Printing Office may be transferred to a position in the Executive Departments requiring a knowledge of the same mechanical trade, but to no other position. (See Transfer, 4.)

**Medical certificates.**

*For assistant microscopist and adjuster in the Mint.*—As the medical certificate in the case of assistant microscopist is considered by the Department of Agriculture as a part of the examination, it is ordered that hereafter the names of persons who pass shall not be entered upon the register until the medical certificate in proper form has been completed. Notice of the average attained will not be sent until the medical certificate has been filed. In lieu of such notice a letter will be addressed to each person who passes, informing such person of that fact and inclosing the medical certificate, the person to be informed that such certificate must be completed and returned before the average made in the examination will be communicated and before the name will be entered upon the register of eligibles.

As the medical certificate in the case of adjusters in the Mint is considered by the Secretary of the Treasury as a part of the examination, similar action as above will be taken in connection with those who pass the examination for adjuster. (Minutes, Sept. 16, 1898, clause 5.)

**Military postal service.**

*Held, persons appointed thereto not included in the classified service.*—From the statement of the Department it \* \* \* appears that these persons in reality act in the capacity of temporary postmasters at temporary post-offices not free delivery, and are all stationed outside of this country in different parts of the possessions recently taken from Spain, which as yet must be regarded as foreign territory. The Commission holds that these positions are in the unclassified service, on either one of the following grounds: (1) They may be treated as coming within the provisions of Rule III, section 8 (c), which exclude from classification persons employed in a confidential capacity in a foreign country; or (2) they may be treated as postmasters at nonfree-delivery offices. (Minutes, Oct. 24, 1898, clause 6.)

**Partisan activity of officeholders.**

1. *Circular of October 15, 1898.*—"Your attention is invited to the following extracts from the Executive instructions of July 14, 1886, which are still in force, and which are republished for the information and guidance of all officers and employees in the executive civil service. These instructions were issued as orders by each of the departments at the time, in accordance with the direction of the President. They were also included in the Postal Laws and Regulations of 1893 (see sec. 435). On May 23, 1894, they were republished by the Postmaster-General:

" "Officeholders are the agents of the people, not their masters. Not only is their time and labor due to the Government, but they should scrupulously avoid, in their political action as well as in the discharge of their official duty, offending, by display of obtrusive partisanship, their neighbors who have relations with them as public officials.

" "They should also constantly remember that their party friends, from whom they have received preferment, have not invested them with the power of arbitrarily managing their political affairs. They have no right as officeholders to dictate the political action of their party associates, or to throttle freedom of action within party lines by methods and practices which pervert every useful and justifiable purpose of party organization.

" "The influence of Federal officeholders should not be felt in the manipulation of political primary meetings and nominating conventions. The use by these officials of their positions to compass their selection as delegates to political conventions is

indecent and unfair; and proper regard for the proprieties and requirements of official place will also prevent their assuming the active conduct of political campaigns.

“Individual interest and activity in political affairs are by no means condemned. Officeholders are neither disfranchised nor forbidden the exercise of political privileges; but their privileges are not enlarged nor is their duty to party increased to pernicious activity by officeholding.

“A just discrimination in this regard between the things a citizen may properly do and the purposes for which a public office should not be used is easy in the light of a correct appreciation of the relation between the people and those intrusted with official place, and a consideration of the necessity, under our form of government, of political action free from official coercion.’

“The Postmaster-General, in a letter dated August 8, 1898, stated that the order of the President above quoted had been neither revoked nor modified.

“Those who enter the classified civil service upon the ground of ascertained merit, as established by the civil-service rules, and are protected therein, should be quick to recognize the reciprocal obligations thereby imposed and avoid any action which now or at any future time could reasonably be subject to adverse political criticism.

“The Commission believes that the best interests of the service will be promoted by the nonparticipation of all members of its boards of examiners in political conventions or in the work of political committees.

“While attendance at a political convention as a delegate, or membership upon a political committee, is not in itself a violation of the civil-service rules, the Commission holds that all partisan activity, if sufficient to impair usefulness as a representative of the Civil Service Commission, is sufficient cause for removal from membership on any of its boards of examiners.

“Section 2 of the civil-service act of January 16, 1883, provides that no person in the public service ‘has any right to use his official authority or influence to coerce the political action of any person or body.’”

2. *Authority of the Commission.*—The Commission has no authority to take any action relative to the political conduct of an officeholder unless it is charged that he has violated the civil-service act of January 16, 1883, section 2, part 2, sub. 6, in the use of “his official authority or influence to coerce the political action of any person or body,” or the civil-service rules, by the use of “his official authority or influence for the purpose of interfering with an election or controlling the results thereof,” or in influencing a dismissal for a refusal to be coerced in political action, to contribute money for political purposes, or for a refusal to render political service. The conduct of an officeholder not falling within these prohibitions is a matter wholly for the consideration of the appointing power, in which this Commission can not interfere. The utility of these provisions of the law and rules quoted rests in some degree as precepts, as only gross forms of their violation can be easily proved. See also President Cleveland’s warning against the use of official positions to control political movements, at pages 541 and 542, Fourth Report. This warning is embodied in the Postal Regulations. (Letter Book U, pp. 324, May 23, 1892; 336, May 24, 1892; and Letter Book Q, p. 68, Nov. 18, 1890.)

See extract from letter of General Superintendent Railway Mail Service;¹ See also Political assessments.

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¹ The Department does not attempt or desire to control the political opinions of any one connected with the service, but it has for years insisted that the clerks shall not take an active interest in politics in the way of attending conventions as delegates, making political speeches, or assisting in the management of political campaigns. It holds, and has held, that the interests of the service can be best subserved by requiring the clerks to attend strictly to their official duties and to maintain amicable relations with those with whom they come in contact, both in their official and in their personal character. It freely accords them the right to vote according to the dictates of their own conscience, and to express their political opinions in courteous and gentlemanly language, but more than this is detrimental to the best interests of the service and in violation of the order of the President issued July 14, 1886, which was published in the Postal Laws and Regulations of 1887. (Letter of General Superintendent Railway Mail Service, May 14, 1894.)



3. The Commission has no objection to a letter carrier being a candidate for another office while a letter carrier, provided the candidacy for such office does not involve him in partisan activity nor interfere with the full discharge of his official duties. (Minutes, Jan. 23, 1894, clause 8.)

4. Upon inquiry whether an employee in the mail service may act as delegate or on the committees for any party or parties in the city, county, or State elections, or act in any capacity as judge, clerk, or challenger, or, in fact, in any position in connection with an election, the Commission decided that it was not its province to direct in matters of this sort, but that it has always discouraged Government employees from taking any active part in party or political matters. (Minutes, Jan. 23, 1894, clause 8.)

See Political assessments and contributions.

### Physical disqualifications.

1. Persons physically disqualified can not be appointed in the Railway Mail Service. Under the rules the question of physical fitness for the service rests with the appointing officer. The General Superintendent of the Railway Mail Service has decided that, as it is very dangerous for deaf mutes to be employed on a railroad, and, for other reasons, his office does not feel justified in selecting deaf mutes. (Letter Book U, p. 85, Mar. 4, 1892.)

2. Applicant who has lost sight of one eye can not be appointed in Railway Mail Service. (Minutes, Apr. 23, 1894, clause 8.)

### Political assessments and contributions.

1. A person who knowingly assists in exacting political contributions from his fellow employees should be removed from office, even though he had no other part in such contribution than collecting notes given, and though for such service he is not liable to criminal prosecution. (Letter Book XV, p. 202.)

2. *Soliciting by letter in a public building forbidden.*—The Commission holds that addressing a letter to a Government employee in a Government building soliciting political contributions is a solicitation in that building within the meaning of section 11 of the civil-service act. (Minutes, Mar. 23, 1897, clause 6.)

3. Where a person commissioned as a notary public receives a certificate from the head of one of the Executive Departments allowing him to do business in an office under the control of such head, and acts under the authority of the Federal officials, and makes an agreement with those in authority in the office to allow him to do business therein, he is a public officer or employee, within the meaning of section 11 of the civil-service act, and, as such, may be prohibited from soliciting political contributions. (Minutes, Oct. 19, 1894, clause 1.)

### Political opinions.

It is the duty of every officer concerned in making appointments to refuse to receive or entertain any letters disclosing an applicant's politics, or any letters written on behalf of an applicant on political grounds, and to explain to the writers that he does not and will not receive their communications if based upon such grounds, and that he will not keep them on file. (Minutes, Jan. 24, 1893, clause 8; Jan. 31, 1894, clause 11; see, also, Certification, and Removal.)

### Preference accorded soldiers and sailors.

1. *Sections 1754 and 1755, Revised Statutes.*—On March 3, 1865, Congress passed a joint resolution, in two sections, which subsequently became sections 1754 and 1755, Revised Statutes. These sections are as follows:

“SEC. 1754. Persons honorably discharged from the military or naval service by reason of disability resulting from wounds or sickness incurred in the line of duty shall be preferred for appointments to civil offices, provided they are found to possess the business capacity necessary for the proper discharge of the duties of such offices.

“SEC. 1755. In grateful recognition of the services, sacrifices, and suffering of



persons honorably discharged from the military and naval service of the country by reason of wounds, disease, or the expiration of terms of enlistment, it is respectfully recommended to bankers, manufacturers, mechanics, farmers, and persons engaged in industrial pursuits to give them the preference for appointments to remunerative situations and employments."

The intent of Congress in this legislation is perfectly evident, namely: First, to give preference in civil appointments to those who were honorably discharged from the Army or Navy by reason of disability resulting from wounds or sickness incurred in the line of duty and who are found to possess the necessary business capacity; and, second, to recommend to the grateful recognition of persons engaged in industrial pursuits, etc., those honorably discharged from the Army or Navy by reason of wounds, disease, or the expiration of the term of enlistment. Both these provisions are in the same act, and as to civil office, the distinction is clearly drawn between those who were discharged for disability and those who were not so discharged; the former being given a preference and the latter not. In forming rules under the civil-service law, the Civil Service Commission, without any additional legislation, would have been bound to take notice of and give effect to this statute, now section 1754, Revised Statutes; but Congress, in order to secure such action without peradventure, inserted in section 7 of the civil-service law the following provision:

"But nothing herein contained shall be construed to take from those honorably discharged from the military or naval service any preference conferred by the seventeen hundred and fifty-fourth section of the Revised Statutes."

How has the Commission treated those whom Congress, by this legislation say, shall be preferred? It has released them from all maximum age limitations; has fixed the minimum grade of eligibility at sixty-five, while for all others it is seventy, and has provided that they shall be certified to appointing officers before all others of higher grade. The civil-service rules limit the preference to those whom Congress designated. Had the Civil Service Commission and the President in formulating rules given preference to other classes, it would have been an assumption of legislative functions clearly not delegated to them, and would have defeated the purpose of Congress to give preference in civil appointments to a certain limited class which is unmistakably described. It has long been evident to the Commission that section 1754 is very inequitable in its operation, and the attention of Congress and the public has repeatedly been drawn to the matter; but as long as that section remains law the civil-service rules must give preference to those described in it, and not to any others in the same way or sense. Congress alone can enlarge or abridge the class to which preference shall be given.

A claim of preference once allowed is a judicial determination of the question and requires no further action. (Commission's letter to the secretary of the postal board, Chicago, Ill., of Dec. 21, 1894, File 7036.)

2. *Section 1754, Revised Statutes, applies only to entrance into the service, and not to promotion.*—Preference under section 1754, Revised Statutes, is confined to entrance into the service, and does not apply to promotions. (Minutes, April 18, 1896, vol. 20, p. 176; April 22, 1896, same vol., p. 180.)

3. *File No. 2373, claim for preference.*—The records show that this claimant was severely wounded in action on July 1, 1863; that on July 9, 1863, he entered hospital with fracture of left ulna and returned to duty May 3, 1864; that nine days after he returned to duty he was transferred to the Veteran Reserve Corps, and afterwards mustered out of the service with a detachment on June 29, 1865; that his last year of service was with the Veteran Reserve Corps; that pension has been allowed him for the injury mentioned.

It would seem that this claimant was not discharged from the military service until June 29, 1865, and that he was not then discharged because of the wounds and disability which he received or contracted while in the military service. The commission therefore holds that his transfer from active service to the Veteran Reserve Corps was not such a discharge as contemplated by section 1754 of the Revised

Statutes, and in fact was no discharge whatever from the service, and hence, as a matter of law, he is not entitled to the preference under said section which he asks for.

While it may be true that former commissions have held that the transfer of a soldier who had become disabled for active service in the field, and for that reason was transferred to the Veteran Reserve Corps, was tantamount to a discharge, yet upon a further and fuller consideration of the question the commission now holds, as above stated, that such transfer was not such a discharge from the service as contemplated under section 1754 of the Revised Statutes, under which preference is claimed, and hence the claim for preference is disallowed. (Minutes, Mar. 19, 1898, clause 6.)

4. "*Post-Office Guards*" and "*Treasury Guards*."—Mr. McKean was a member of the "*Post-Office Guards*," and later a member of Company B, "*Treasury Guards*," both companies being organized from clerks in said Departments during the war of the rebellion under the direction of Brigadier-General Wadsworth, and supplied with arms and ammunition for the defense of the national capital. Such companies were uniformed and drilled by officers in the military service of the Government and were under the command of such officers during the time of their service, although neither of said companies was ever mustered into the military service of the United States.

Under the construction given to the last proviso of Rule IX by the law department of the Government, by which the language in such proviso is construed to cover all cases where the party served in the military service, the Commission feels constrained to hold that Mr. McKean is entitled to preferment under such proviso, although the Commission is of the opinion that the construction put upon such proviso by the Department of Justice was unwarranted by the language of the proviso, and is of the opinion that the proviso, standing as an exception to the general rule for the admission of persons to the classified service, should have been strictly construed instead of giving it that liberal construction which seems to have been given by the Department of Justice. [See opinion of Solicitor-General Chapman and Attorney-General Miller, "*Opinions of Attorneys-General*," Vol. 19, page 434; *Ibid.* 533.] (Minutes, Feb. 11, 1898, clause 1.)

5. Claimant enlisted August 13, 1862, and was discharged March 17, 1863, for disability, the surgeon who made the examination for discharge stating that the soldier was entirely unfit for duty for three months previous, and that the disease originated prior to enlistment.

The Commission recognizes the fact that when the claimant entered the service he was duly examined by surgeons, who certified to the fact that he was at the time sound and fit for military service. In the opinion of the Commission the surgeons who made such examination previous to the mustering in of the claimant were far better able to judge as to his physical soundness than was the surgeon who examined him six or eight months afterwards for the purpose of discharge; and the presumption as to the fitness and disability of the claimant for military service is more convincing to the Commission than the simple opinion of the surgeon who made the examination some months afterwards for the purpose of discharge. Hence the Commission finds that such disability did not exist, or at least was not developed, at the time of enlistment and mustering into the military service of the claimant, and that he having been discharged for such disability, comes within section 1754 of the Revised Statutes and is entitled to preference. (Minutes, May 11, 1898, clause 1; Dec. 5, 1898, clause 4; Dec. 16, 1898, clause 1.)

6. *Paymaster's steward and paymaster's clerk held entitled to benefit of second proviso of Rule IX.*—The statement of the Secretary of the Navy shows that V. served as paymaster's steward and also as paymaster's clerk in the war of the rebellion. Certificate for reinstatement as money order assorter, office of Auditor for the Post-Office Department, will issue, subject to filing application. (Minutes, Mar. 26, 1898, clause 3.)

*See Apportionment; see, also, Opinions of Attorneys-General, post, 16, 17, 20, 21.*

**Printers' assistants.**

The examination for this position was not intended to and does not test the educational qualifications needed in the clerk-copyist [now clerk] grade, but was intended to test only that measure of general intelligence requisite for the position of printers' assistant or other positions of like character. Transfers should not be made from these positions to clerical positions. (Letter to the Secretary of the Treasury, June 8, 1889.)

Appointments of printers' assistants in the Bureau of Engraving and Printing, and skilled laborers in the Government Printing Office and the mail bag repair shop are not subject to the apportionment of appointments among the States. The pay is too small in these mechanical positions to attract men and women from a distance. Applicants for these places could only be found in the District and the adjoining States. These mechanical employments should not be made an avenue for promotion or transfer to the clerical service, where the character of work is entirely different. These persons should only be permitted to enter the clerical service on the same basis of examination and apportionment as persons outside the public service. (Letter to Postmaster-General, Aug. 15, 1896. Minutes, Mar. 19, 1898, clause 2; see Promotion examination, 6; Transfer, 3.)

**Probationary period.**

1. The rules provide for a probationary service of six months, at the end of which period, if the conduct and capacity of the probationer are satisfactory to the appointing officer, absolute appointment must be made. During probation, the character of the service rendered by the probationer and his fidelity and business capacity are to be carefully observed, as the question of permanent appointment depends upon them. The probation is a practical scrutiny continued through six months in the very work which the applicant is to do. After passing an examination it is to be presumed that the applicant is worthy of a six months' trial until the contrary is decisively proved. The appointing officer must evidently be the final judge of the qualifications of the persons whom he employs. An appointing officer can not extend the period of probation, but he must at its close either absolutely appoint or else dismiss from the service, and the dismissal must be for the reason that the conduct and capacity of the probationer are not satisfactory. An appointment for a definite time succeeding the probationary period can not, therefore, be made, and any appointment at the expiration of the probationary period is held to be the absolute appointment required by the rules. If a further probationary appointment could be made the appointing officer might prolong indefinitely the probationary period, while the rules contemplate but one such period. (Letter to Boston postmaster, Mar. 29, 1890, Letter Book N, p. 320.)

2. The probationer can not, at the end of his probation, be subjected to any examination by any officer under whom he has served. The object of the probation is not so much to show what the probationer knows as what he can do and with what zeal and fidelity he does it. His elementary examination was completed before his probationary appointment. The two questions to be considered by the proper officer, with due reference to the report and other information he may have, before deciding whether to recommend the probationer for a permanent appointment are these: (1) Does he appear to be a man of good character and fidelity? (2) Has he shown, on probation, adequate practical qualification for doing the public work in a satisfactory manner?

3. *Customs service.*—In October, 1885, President Cleveland decided: (1) That the proper officer to make the report concerning the conduct of a probationer was not the surveyor, but the ganger under whom the probationer served; (2) that a report from the ganger should be made; and (3) that a new elementary examination was not warranted. (Fourth Report, p. 304, and San Francisco custom-house case, 1894.)

4. *Required in noncompetitive as well as competitive appointments.*—The Commission understands that the language of section 2 of the civil-service act, "that there shall be a period of probation before any absolute appointment or employment," applies as

well to persons appointed upon noncompetitive examination as to those appointed upon competitive examination, the character of the examination having no effect upon this provision of the law, and that therefore all appointments made upon certification of this Commission should be made for a probationary period. See Notes on the Rules, 9 (a), p. 80, Ninth Report of the Civil Service Commission. (Minutes, July 6, 1893, clause 39.)

See Substitutes; Appointment.

### Promotion.

1. *Nonexcepted to excepted positions.*—A promotion from a nonexcepted position to an excepted position, in spite of the protest of the person promoted, and with the evident purpose of discharging such person, will not be recognized by the Commission as valid. Such a promotion, even where not made with a view to subsequent discharge, may only be forced upon a clerk for considerations of public good, i. e., because the clerk can render efficient service in the position to which promoted. (Minutes, Oct. 20, 1894, clause 18. See Removal; Printers' assistants.)

2. Temporary service in a higher grade does not forfeit rights of promotion in former position. (Minutes, Nov. 12, 1895, clause 7.)

3. The promotion of persons employed for occasional duty will be made only to the lowest class of the grade in which the occasional employee is serving, or to the lowest class of any other grade not requiring a higher examination. (Minutes, May 28, 1897, clause 7, vol. 21, p. 233.)

4. *Customs service—methods of filling vacancies in regular grades—promotion from force employed for occasional duty.*—In filling vacancies in the regular grades from among those employed for occasional duty selections for promotion will be made in the order of seniority in all cases, except where the principal officer gives good and sufficient reasons why the occasional employee longest in the service is not by virtue of ability or efficiency entitled to such promotion. The following distinction is made between occasional and temporary employees: A certification for temporary employment is not charged against any of the names appearing thereon. A person thus temporarily appointed has no status outside of the temporary position to which appointed. A certification for occasional employment is charged against all of the names appearing thereon. The persons thus appointed have a fixed status in that they are promoted to the permanent force in the order of their original appointment to occasional duty. (Minutes, Feb. 24, 1897, clause 3, vol. 21, p. 79.)

5. The requirement of absolute appointment in the promotion regulations of May 20, 1896, for the customs service, does not apply in the promotion of persons employed for occasional duty to positions in the regular force. (Minutes, May 28, 1897, clause 7, vol. 21, p. 232.)

6. *Without examination.*—Any person in the New York custom-house who was appointed an assistant weigher, class 2, through the prescribed examinations, and separated from the service without delinquency or misconduct, and who has been reinstated to the position of assistant weigher, Class E, because at the time there was no vacancy in the position of assistant weigher, class 2, may be restored to the position of assistant weigher, class 2, upon certification of his eligibility in accordance with the terms of this ruling. (Minutes, Mar. 15, 1898, clause 2.)

7. *Indian service.*—The promotion of L. from teacher to principal teacher \* \* \* will be allowed without further examination, the examination for principal teacher having been discontinued upon agreement with the Department [Interior] that hereafter vacancies in the grade of principal teacher will be filled by promotion. (Minutes, Jan. 28, 1899, clause 1.)

See Promotion and transfer; Promotion examination; Transfer.

### Promotion and transfer.

1. *Postal service.*—A postmaster may make distribution of his force by promotion, transfer, or reduction, upon any test of fitness determined upon by him, which the Commission does not disapprove, in the absence of promotion regulations. This discretion, of course, would not permit the promotion of a person to a grade requir-

ing a higher examination where he was only appointed to a lower grade for the purpose of promotion, as such promotion would obviously break down the distinction between the examinations. Where a person has been appointed in good faith to a lower grade, and in the performance of his duties has been faithful and efficient, showing all the necessary qualifications for the place to which his transfer or promotion is proposed, and those qualifications have been practically tested, and where such promotion would add to the efficiency of the service and promote the public interest more than would an appointment from the eligible registers of a person unfamiliar with the work of the office or with the particular duties of the place to be filled, the promotion would be strictly within the spirit and letter of the rule. Whether a transfer to a place of carrier is to enter the service within the meaning of the act of August 2, 1882 (22 Stat. L., 185), requiring entrance to the class having the minimum rate of pay, is not a question for decision by the Commission. Regard must be had to the age limitations, but no promotion or transfer (except appointment of substitute to regular places) may be made from one grade to another until after absolute appointment. (Letter to postmaster at Boston, July 31, 1888, and Minutes, June 4, 1888, clause 5.)

2. *In the absence of eligibles the senior subcarrier may be transferred to a regular clerkship.*—A senior substitute carrier in the classified service may be transferred to the lowest class in the grade of regular clerk, provided that there are no substitute clerks on the list, and that the senior substitute clerk, if within the age limitation prescribed for carrier, may be transferred to the lowest class in that grade, provided there are no substitute carriers on the list.

Transfer may be made in accordance with this order, regardless of the number of eligibles on the register. (Minutes, Oct. 24, 1896, vol. 20, p. 395.)

3. Promotion may be made after two years' service from porter, messenger, or other classified post-office positions below the clerk or carrier grade, to clerk or carrier positions, upon passing the appropriate examination. (Minutes, Mar. 7, 1898, clause 1.)

• See Appointment; Promotion; Promotion examination.

• **Promotion examination.**

1. *Subordinate grades to clerk in Departments at Washington—no time limit.*—Persons on the eligible register for promotion shall be entitled to certification as long as they remain on the register, unless, after being three times certified, the nominating officer shall object, in writing, to a further consideration of names. (Minutes, Aug. 28, 1897, vol. 21, p. 363.)

2. *Department of Agriculture—efficiency rating.*—In accordance with the requests of the Department of the 5th and 12th instant, no consideration will hereafter be given to the efficiency ratings of persons in subordinate positions in that Department who are examined for promotion to the grade of clerk, whether they have passed or failed in the examination, but certification will be made according to their relative standing as determined by the examination itself. (Minutes, Dec. 14, 1898, clause 5.)

3. *Weather Bureau.*—The Secretary of Agriculture requests that in future all persons in the Weather Bureau examined for promotion to the grade of clerk be given the observer examination. \* \* \* The request will be granted. (Minutes, Dec. 5, 1898, clause 19.)

4. *Customs service.*—Hereafter no examination taken by an employee of the New York custom-house previous to the enactment of the civil-service law will be considered as complying with the requirements of the promotion regulations for the New York custom-house with regard to examinations. (Minutes, May 19, 1898, clause 4.)

5. *Substitutes in post-offices.*—Where two or more substitutes are appointed on the same date they shall be promoted to the regular force in the order of the averages attained by them in the examination, irrespective of the fact that one or more of such substitutes may have been allowed preference under section 1754, R. S. (Minutes, Dec. 6, 1897, clause 5; see Preference accorded soldiers and sailors, 2.)



6. *Nonapportioned service in the District of Columbia.*—Except persons in the Government Printing Office, whose promotion is provided for by the promotion regulations for that office, persons holding classified positions in the nonapportionment service in the District of Columbia below the grade of clerk will be permitted to enter competitive examinations for promotion to the grade of clerk in their respective offices whenever held, provided they show legal residence in a State which at the time is entitled to some appointments in the apportionment service. If persons coming within the provisions of this minute have heretofore passed such examinations which were subsequently canceled, their examinations will be revived. (Minutes, Feb. 15, 1898, clause 10; see Printers' assistants.)

### Records of local boards.

*When a court can require production of.*—See Opinions of Attorneys General, post, 13.

### Reexamination.

*After failure to pass.*—Hereafter, a person who fails to pass an examination for any branch of the classified service shall not be allowed reexamination for the same position until the expiration of one year from the date of the former examination, except upon special authority of the Commission to be granted when, in its opinion, equity or the needs of the service demand such action. (Minutes, May 22, 1897.)

### Reinstatement.

1. The appointing officer must state directly, or in effect, that from the investigation he has made he is satisfied that the man was dismissed without delinquency or misconduct, as the rule requires. It is not the province of the Commission to consider evidence in such cases, and its certificate for reinstatement will be issued or withheld according as the appointing officer shall conclude and state, upon the investigation already made, or upon such further investigation as may be made, that the dismissal was or was not without delinquency or misconduct. (Letter to the Secretary of the Treasury, Apr. 3, 1890.)

The Commission in a letter of March 7, 1890, to the Secretary of the Treasury, said: "Certificate will not be issued unless it shall appear that the Department in the first instance acted upon a mistaken view of the facts, or that new facts have been discovered which relieve the case of the character it then seemed to have."

These two cases fairly illustrate the uniform practice of the Commission. (Letter Book R, p. 137, Mar. 18, 1891, and see Book U, p. 163, Apr. 4, 1892.)

2. *Statement to be made by appointing officer in requesting reinstatement of persons removed for apparent cause.*—The appointing officer shall state that complete reinvestigation, based upon newly discovered evidence of essential importance, convinces him that the cause for which the separation was made was not of such a character as to be designated a delinquency or misconduct within the meaning of Rule IX, or that such reinvestigation developed the fact that the person was not guilty of the charges upon which he was removed. (Minutes, June 21, 1898, clause 1.)

3. *Delinquency or misconduct.*—Hereafter in Rule IX the phrase, "without delinquency or misconduct," will be construed by the Commission. It will accept the statement of the appointing officer as prima facie evidence in the case and will not go behind the statement unless in its judgment the facts shall seem to warrant it; but if for any reason it sees fit to make the investigation, it holds that the Commission itself has the right to decide whether the dismissal was for delinquency or misconduct of a kind sufficient to bar the person removed from reinstatement. (Minutes, Apr. 9, 1895, clause 5.)

4. The bar interposed by rules governing reinstatement against the reinstatement of those dismissed for misconduct is not removed at the end of one year, the language of the proviso of the rule which applies to those who may be reinstated after the expiration of one year being, "subject to the other conditions of the rule," and one of said conditions is that the discharge or separation shall have been without "delinquency or misconduct." Rule V, clause 3, and Rule IX are not in conflict. They



both bar the reappointment within one year of a person dismissed or separated from the service for misconduct, the one by denying him examination and the other by prohibiting the issuance of a certificate for reappointment upon the requisition of the head of the department from which he was separated. Under Rule V, clause 3, the bar is removed at the end of one year, and the delinquent has thereafter the same right to compete for an appointment as other citizens who have not been in the civil service. Rule IX perpetuates the bar against a privileged appointment by reinstatement, and construed together the rules mean that the delinquent shall not be restored to the service within one year after his separation therefrom by any process, and thereafter he shall have only the same rights as are possessed by those who have not been in the service. (Minutes, Nov. 7, 1889, clause 2, vol. 14.)

Reinstatement can not be made by revocation of order of dismissal. (Circular letter of Jan. 23, 1888.)

5. *Condonation of delinquency or misconduct.*—This Commission has uniformly held that a person can not be reinstated under Rule IX upon a condonation of the delinquency or misconduct that occasioned his separation from the service. The officer making the requisition for reinstatement must state, in the terms of the rule, that the separation was “without delinquency or misconduct.” Of course, this does not prevent the reinstatement of an employee dismissed upon charges if subsequent investigation shows the charges to have been unfounded, and the dismissal, therefore, to have been without delinquency or misconduct. (Minutes, Mar. 31, 1888, clause 3, vol. 7, pp. 217, 218. Letter Books N, p. 348, Apr. 3, 1890, and P, p. 206, Aug. 19, 1890.)

6. *Removal the result of intoxication—Department must decide whether reinstatement is permissible under civil-service act and rules.*—The reinstatement of a substitute letter carrier removed for intoxication was requested by a postmaster, who stated that the removed carrier had since taken a pledge to abstain from the use of intoxicating liquors: *Held*, That such person be reinstated if, in the view of the Department, the case does not fall within the prohibition of section 8 of the civil-service act. Such reinstatement can only be made under Rule IX, and the Department must itself decide whether under the act and rule referred to reinstatement may be made. (Minutes, Apr. 20, 1887, clause 2.)

7. Reinstatement as clerk of C., who resigned the position of deputy auditor July 5, 1897. C. was appointed under the law examination as a clerk in the Treasury Department in 1885, and was promoted through the various grades to the position of deputy auditor, to which appointment is made by the President. Under clause 5 of Rule X a person who by promotion or transfer from the classified service has entered a position, appointment to which is made by the President by and with the consent of the Senate, and has served continuously therein from the date of said promotion or transfer, may be retransferred from said Presidential appointment to the position from which he was so transferred or to any position to which transfer could be made therefrom. The Commission holds that this privilege of transfer should be read in connection with the rule governing reinstatement, and that C. may be reinstated. (Minutes, June 8, 1898, clause 3, April 1, 1897; Nov. 1, 1897; see Transfer.)

8. In view of the facts stated by you in the case of H., he is eligible for reinstatement to a position covered by competitive examination, and certificate therefor may issue upon request of the postmaster. The fact that the excepted position held by H. was transferred to the competitive class conferred the right of such a transfer upon him. The fact that he was afterwards transferred to a position which is now excepted would not deprive him of the right of transfer, as Rule X, clause 7, provides that a person who has been transferred from one classified position to another classified position may be retransferred to the position in which he formerly served, or to any position to which transfer could be made therefrom. An excepted place is classified. (Letter of Jan. 14, 1899, to secretary of Postal Board, New Orleans, La. File 5450; see also Transfer, and Excepted places.)

9. A certificate for reinstatement should not be disallowed on the ground merely that the person proposed for reinstatement is a legal resident of a State which at the

time has received at least 100 per cent of the appointments to which it is entitled under the provisions regulating apportionment. In other words, the provisions of the law and rule regulating apportionment do not of themselves operate in any case as a bar to reinstatement. (Minutes, June 9, 1898, clause 6; see Apportionment.)

10. *"That department or office and that branch of the service" construed—Internal Revenue Service.*—The requirement of Rule IX that a person must be reinstated to the same department or office, and that branch of the service, in which he formerly served, does not prohibit the reinstatement of internal-revenue employees in a district other than that in which they formerly served, the appointing officer in each case being the Commissioner of Internal Revenue, in analogy to the Railway Mail Service, where a like practice has long prevailed. (Minutes, June 3, 1898, clause 1.)

11. *To what class may be made.*—So far as the regulations of the Commission are concerned, a clerk can be reinstated to the same class or the same place he gave up when separated from the service, over all other clerks below that class; but this question must be submitted to the Post-Office Department for practical settlement, the rules of that Department controlling. (Minutes, Oct. 4, 1893, clause 11.)

12. *Voluntary and involuntary separation, without delinquency or misconduct.*—If a substitute carrier who was separated from the service *involuntarily* and through no fault of his own, be reinstated, he shall be restored to all the rights which attached to his original position, and will be entitled to resume the relative position as substitute which he held at the time of his separation; but if a substitute or regular carrier who left the service *voluntarily* be reinstated, his relative position on reinstatement will be a matter in the discretion of the Department. (Letter from First Assistant Postmaster-General to postmaster New York City, Nov. 23, 1893.)

13. *Conditions governing where vacancy is prospective.*—Where the reinstatement of a carrier is asked for within the year limit to a specific position in which a vacancy is about to exist, because either the resignation of the incumbent has already been handed in, or because the postmaster has asked for the dismissal, such reinstatement can be allowed only to the specific position in which the vacancy has actually been provided for as above indicated, and only then upon a full presentation of the case by the Post-Office Department and the approval of the Commission. (Minutes, Oct. 13, 1893, clause 12.)

14. Upon the requisition of a postmaster, certificate may issue for the reinstatement of a person who was separated from the service, either as a clerk or carrier, either to the grade of clerk or the grade of carrier, provided he would be eligible for original appointment under the minimum age limitations prescribed by the rules for the grade to which the reinstatement is to be made, it being held that this rule must be construed in connection with the rule in relation to age limitations. (Minutes, Jan. 23, 1894, clause 11.)

15. McK. was a member of the "Post-Office Guards," and later a member of Company B, "Treasury Guards," both companies being organized from clerks in said Departments during the war of the rebellion, under the direction of Brigadier-General Wadsworth, and supplied with arms and ammunition for the defense of the national capital. Such companies were uniformed and drilled by officers in the military service of the Government, and were under the command of such officers during the time of their service, although neither of said companies was ever mustered into the military service of the United States.

Under the construction given to the last proviso of Rule IX by the law department of the Government, by which the language in such proviso is construed to cover all cases where the party served in the military service, the Commission feels constrained to hold that McK. is entitled to preferment under such proviso, although the Commission is of opinion that the construction put upon such proviso by the Department of Justice was unwarranted by the language of the proviso, and is of the opinion that the proviso, standing as an exception to the general rule for the admission of persons to the classified service, should have been strictly construed instead of giving it that liberal construction which seems to have been given by the Department of Justice. [See opinion of Solicitor-General Chapman and Attorney-

General Miller, *Opinions of Attorneys-General*, vol. 19, p. 434; *Ibid.*, 533.] (Minutes, Feb. 11, 1898, clause 1.)

16. The removal of F. was investigated by the Commission in 1895, and the Department was informed that the Commission was convinced that F. was removed for political reasons and should be reinstated. \* \* \* The Post-Office Department will be informed that the Commission holds that F.'s separation from the service under the civil-service law was never completed; that it was not, in effect, an actual separation, but was an absence without pay. The Department will also be informed that with this opinion of the case the Commission holds, as it has held in previous similar cases, that no objection to F.'s reassignment to duty can be offered, and that no certificate therefor is necessary. (Minutes, Nov. 3, 1897, clause 5.)

17. H. was removed October 1, 1895, upon charges of collusion with custom-house brokers. An investigation begun within one year from the date of removal, based upon newly discovered evidence of essential importance, discloses that the charges were without foundation, and that the appointing officer, in making the removal, acted under a distinct misapprehension as to the facts. The investigation was begun with the view, if possible, of making formal requisition for H.'s reinstatement. The investigation being a necessary preliminary to making the requisition, and being made for that distinct purpose, that action is regarded as the institution of the formal action required to be taken within the year limit, and therefore a compliance with the year limitation of Rule IX. (Minutes, Nov. 23, 1897, clause 8.)

18. *Messenger reinstated as messenger boy.*—The practical difference between messenger and messenger boy is in salary. This reinstatement may allow the employment of a person at a salary which he is competent to earn, but who might be incompetent to earn the higher salary of messenger. As the terms of Rule IX seem to allow it, certificate will issue. (Minutes, Sept. 14, 1898, clause 4.)

19. Where a person has been separated from the Department as a clerk he is not eligible for reinstatement as an assistant draftsman, for the reason that the latter place is one requiring a higher examination than the former, and therefore in contravention of the rule. (Letter Book R, p. 309, May 11, 1891.)

20. *Reinstatement merely for purpose of transfer to the nonapportioned service.*—A person reinstated merely for the purpose of transfer to the nonapportioned service will not be required to file the usual certificate establishing legal residence, and will not be charged to the apportionment. (Minutes, April 30, 1898, clause 3; see legal residence.)

21. A substitute employed in a post-office was dropped at the end of the probational period because he was considered slow and did not give promise of making a good clerk, having had but two weeks' test during probational period. The Commission held that this did not constitute delinquency or misconduct, and that certification for his reinstatement might issue, but that it must be for the purpose of making absolute appointment, because under the rules there can be but one period of probation. (Letter to Boston Postal Board, Dec. 9, 1890.)

22. *Inefficiency not delinquency.*—When a person is discharged for inefficiency and the head of the Department from which he was separated states that his inefficiency was not due to delinquency or misconduct, and it is desired to give him a further trial on work of a character better fitted to his abilities, a certificate for reinstatement will issue. (Minutes, vol. 21, p. 431.)

23. *Vacancy should exist.*—It would be irregular and improper to make a requisition for the reinstatement of a person unless a vacancy exists, or is about to exist, at the time the requisition is made to which the person is to be reinstated. The actual reappointment of a person may take place after the expiration of one year from the date of separation, provided the requisition is made within the year and the vacancy exists at the time the requisition is made. (Minutes, June 1, 1889, clause 6, and Jan. 30, 1894.)

24. *Carriers, Post Office service.*—In view of the peculiar conditions governing the carrier service, where the reinstatement of a carrier is asked for within the year to a specific position in which a vacancy is about to exist, because either the resignation of the incumbent has already been handed in or because the postmaster has

asked for the dismissal, such reinstatement can be allowed only to the specific position in which the vacancy has actually been provided for as above indicated, and only then upon a full presentation of the case by the Post-Office Department and the approval of the Commission. (Minutes, Oct. 13, 1893.)

25. *Can not be made to prolong eligibility.*—The head of a Department can properly make a requisition for a certificate upon which to make an appointment only when there is an existing vacancy, or one about to exist, the date of which should be stated. The limitation of one year provided by the rule, while in terms applying to the date of the requisition of the Department, must be construed as extending the privilege of appointment no longer than is reasonably required by the steps to be taken in filling the vacancy. \* \* \*

There is no authority for holding that a new term begins after the certificate for reinstatement is issued. \* \* \* Under such a construction the head of a Department might defeat the limitation of the rule by calling for certificate for reinstatement at the expiration of the year, with no present purpose of acting upon it, but merely of keeping the door open twice the length of time fixed by the rule for reentry to the service. (Letter Book N, p. 147.)

26. *One claiming to be widow of a soldier* must prove: (1) Date of her marriage to the soldier; (2) his death; and (3) that she is his widow.

Where marriage occurred after her separation from the service she is nevertheless entitled to the privilege conferred by the rule. (Case of Mrs. B., Treasury Department, Dec. 14, 1892.)

27. A woman who remarries after the death of her husband is, after such remarriage, no longer his widow, and is therefore not eligible to reinstatement under the rule. (Letter to Secretary of the Treasury, Sept. 9, 1893.)

28. C. was promoted November 1, 1889, from inspector of customs in the New York custom-house to the position of deputy surveyor, which latter position he resigned October 14, 1894. To be reinstated as inspector it is necessary that he be reinstated in the surveyor's office, and thence transferred to the position of inspector on passing the requisite examination. (Minutes, Nov. 26, 1894, clause 19.)

29. *Teacher and matron—Indian service.*—While the position of teacher may be no higher than that of matron, from some points of view, yet under the rules of the Commission a much higher grade of examination, requiring a much broader and more thorough educational training to pass it, is prescribed for it, and from this point of view it is a higher position, and this view should govern the action of the Commission. The qualifications required in the two positions are so unlike that the positions can not be assimilated. In view of these two considerations, the Commission would not be justified in issuing a certificate for reinstatement to the position of teacher of a person formerly in the grade of matron. (Minutes, Oct. 14, 1892, clause 1.)

30. *Year expired through fault of the appointing officer.*—A. was separated from the Indian service July 30, 1893, and was restored July 30, 1894. One year before the year of her eligibility expired the superintendent took what he thought were the necessary steps for her reinstatement, and, regarding the case closed, ordered her to report for duty, which she did. Owing to his being called out to duty in the field and his lack at the time of familiarity with the requirements of the law, he omitted to make formal request for the reinstatement. The action being taken in good faith, and as he did reinstate A. before the expiration of her year of eligibility, and as it was no fault of hers that the reinstatement was not formally correct, the reinstatement was allowed to stand, the certificate of reinstatement issuing as of the day of her original reappointment in the service. (Minutes, Feb. 15, 1895, vol. 18, p. 410.)

31. *Time limit.*—An officer omitted to ask for the reinstatement of a person before the expiration of the year limit, but made all arrangements in his office for that purpose. He was then called away, and upon his return found that the year limit had expired: *Held*, That as reinstatement had been practically determined upon before the expiration of the year limit, if requisition is transmitted bearing date prior to expiration of the year, certificate will issue. (Minutes, Mar. 5, 1894, vol. 17, p. 70; Aug. 31, 1896, vol. 20, p. 328.)

32. *Loss of application for reinstatement.*—A. was appointed a clerk in the Railway Mail Service in August, 1887, and served until June, 1890, when he resigned. In less than one year thereafter he made application to reenter the service, complying with all the requirements. Through a mistake, his application was mislaid, or lost in transit, or overlooked, until the year had expired; no requisition was therefore made for his reinstatement.

Under the rule certificate for reinstatement can not issue unless the requisition therefor is made within one year following date of separation from service. In this case no such requisition was made within the year, and therefore certificate could not issue. (Minutes, Jan. 29, 1894, vol. 16, p. 404.)

33. *Request approved but not acted upon—renewal disallowed.*—Person resigns and makes application within the year for reinstatement, but through inadvertence or negligence it is not acted upon. After the expiration of the year the request is renewed. Held, such request must be disallowed, as according to the rule reinstatement can only be made upon the requisition of the proper officer of a person who, within one year next preceding the date of said requisition, was separated from the service; and the Commission has no option if the requisition was not made within the time limit. (Minutes, Apr. 5, 1897, vol. 21, p. 140.)

34. *Persons separated from excepted places.*—A person occupying an excepted place at the time it became such, who has been separated therefrom without delinquency or misconduct, may be reinstated to any classified place in the same office without examination. (Letter Book K, p. 296, Aug. 30, 1889. Minutes, Jan. 22, 1895, vol. 18, p. 334.)

35. Requisition having been made for the reinstatement of a person named, and it appearing that he had served in the military service of the United States in the war of the rebellion and was honorably discharged therefrom, and further, that he had occupied a nonexcepted place in a post-office from which he was promoted December 1, 1889, to an excepted place, from which place he became separated, without delinquency or misconduct, August 31, 1893, the question arises in his case whether upon the facts stated certificate may issue for his reinstatement without evidence of service in the Army. It is held that said certificate may issue, he having been appointed to an excepted place, from which he was separated within one year by promotion through the regular grades from a nonexcepted place. Had he been originally directly appointed to the excepted place, and become separated therefrom, no certificate could be issued. (Minutes, Sept. 30, 1893, File 5817.)

36. Reinstatement of L. (a soldier), who was separated from the position of stamp clerk October 23, 1893, which position was at that time excepted, but was made nonexcepted under the rules of May 6, 1896. Certificate will issue upon the other conditions of the rule being complied with. The Commission holds, as it has heretofore, that the transfer of a position from the excepted list to the nonexcepted list has the same effect upon that position as the classification of an unclassified place has upon such position, so far as to give the same rights in the matter of reinstatement to a person separated from an excepted place before it is made nonexcepted as is given to a person separated from an unclassified place before its classification. [See Opinions of Attorneys-General, post, 36.] (Minutes, Jan. 13, 1898, clause 2.)

37. *Certificate for reinstatement and assignment to duty.*—The actual reappointment of a person may take place after the expiration of one year from the date of separation, provided the requisition for certification for reinstatement was made within the year, and provided the vacancy existed at the time the requisition was made. (Minutes, June 1, 1889, vol. 11.)

See Preference accorded soldiers and sailors; Transfer; Legal residence; Removals and forced resignations; see, also, Opinions of Attorneys-General, post, 18, 20, 21, and 41.

## **Removals and forced resignations.**

1. *Dismissal for poor work in one position or branch of the service not a bar to examination for another position requiring a different kind of work; statement as*



to cause of separation to be forwarded in case of certification for appointment. (Minutes, Dec. 6, 1895, clause 13, vol. 19, p. 553; see Reinstatement, 19, 20.)

2. Entrance to the classified service is upon the merit of the applicant without regard to his political opinions or affiliations. An appointing officer who appoints or refuses to appoint an applicant because the applicant does or does not entertain certain political opinions violates the law; and an appointing officer who removes an employee because that employee refuses to render political service, to be coerced in political action, or to contribute money for political purposes, also violates the law. (Minutes, Nov. 10, 1888, clause 1, vol. 9, pp. 33, 34.)

See Excepted places, 6.

3. In the event of a very large number of removals being made in an office this fact should be considered presumptive evidence that they were made for political reasons; and to overcome this presumption the officer making them should be able to give specifically and in detail the reasons for each removal made. (Seventh Report, p. 9; Minutes, Jan. 11, 1895, clause 24.)

### Retired army officers.

*Drawing of civil salaries by.*—See Opinions of Attorneys-General, post, 22.

### Seals.

*Held*, that official seals on application papers must be impressed through the paper, and that rubber stamps, etc., will not suffice. (Minutes, Nov. 19, 1897, clause 10.)

### Secret service.

To constitute secret service, the employment as well as the service must be concealed. (See opinion of Attorney-General, May 7, 1885, Vol. XVIII, p. 172.)

### Storekeeper.

*Customs service.*—A storekeeper employed for occasional duty has the same status as a clerk employed for occasional duty. (Minutes, May 28, 1897, clause 7, vol. 21, p. 232.)

### Substitutes.

1. In view of the fifth section of the act of March 3, 1893, defining the hours of labor in the departments, and showing under what circumstances leaves of absence may be granted, substitutes may no longer be employed. (First Comptroller, Mar. 14, 1893; see Opinions of Attorneys-General, post, 42.)

2. *Postal service.*—Probationary appointment begins with appointment to substitute place, and promotion may be made to regular place in that order before expiration of probationary period. (Letter to St. Paul postal board, Nov. 23, 1889, Book L, p. 360.)

3. *Substitute clerks in post-offices.*<sup>1</sup>

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<sup>1</sup> The Department has decided to permit the appointment of substitute clerks at offices of the first class, in numbers of about 20 per cent (but not exceeding 25 per cent) of the regular force. These substitutes are to be selected from the civil-service eligible list in the same manner as for appointment to regular clerkships, and are to be appointed to regular vacancies in the clerical force in the order of their seniority, and will be utilized to perform the service of regular clerks who are temporarily absent from duty. All sums paid to the substitute must be receipted for by the regular clerk, and to prevent fraud the postmaster should personally see that the substitute clerk is paid the amount in full to which he is entitled, the regular clerk receiving the receipt of the substitute for the sum thus deducted.

Whenever a substitute clerk is promoted to a regular clerkship, another substitute will be appointed from the register to fill the vacancy on the substitute force, and all such changes must be reported to this office the same as changes in the clerical force.

Postmasters should recommend to the Department for approval the names and relative standing on the civil-service eligible list of all persons appointed substitute clerks. It must be clearly understood, however, that the Department assumes no responsibility by reason of the employment of such substitutes further than to see that they will be paid the regular salary (no more or less) of the clerks for whom they perform service.—(Circular of First Assistant Postmaster-General, June, 1897.)



4. *Promotion from substitute to regular positions.*—In all future cases it will be insisted upon that promotions from substitute to regular positions shall be made in the order of the date of probational appointment, a course which must be pursued in order to preserve the spirit of the civil-service law and rules. The method which you followed in the case cited, promoting according to seniority in substitute service in each separate division, if adopted, would result in the promotion of substitutes serving in divisions where changes are frequent, while those serving in divisions where changes occur less frequently would remain upon the substitute list long after their more fortunate associates, probationally appointed after they were, had secured places on your regular force. (Letter to Louisville postmaster, dated Nov. 23, 1892, File 4080. See, also, Minutes, May 18, 1888, clause 3; July 7, 1888, clause 1; Aug. 14, 1888, clause 2.)

5. *Priority of appointment to regular force.*—For the purpose of determining with certainty the order of appointment as substitute, and therefore the order of priority for appointment to the regular force, the date given in the nomination to the Postmaster-General of a person for appointment to the grade of substitute carrier is to be taken as the date of such appointment. The date of commencement of service and of pay of a person appointed to the substitute force of any other grade is to be taken as the date of such appointment. (Circular letter No. 2, of January, 1891.)

6. When more persons than one are nominated on the same day for appointment as substitute letter carriers, their seniority as such substitute letter carriers shall be determined by their standing or rating on the eligible register, and not by the order of their selection. (See Post-Office Department's circular letter to postmasters, dated Oct. 10, 1894.)

7. *Effect of cessation of temporary employment.*—Certain persons employed temporarily on account of the increase in the business of an office during the summer months have been separated from their temporary employment; the question arises as to whether they are relegated by this separation from temporary regular employment to their former positions on the substitute force of the office, or whether they become entirely separated from the service. The Commission holds that they are relegated to their former positions on the substitute force of the office, and do not become separated from the service unless so separated by some action of the Post-Office Department intended to have that effect. (Minutes, Oct. 5, 1893, clause 5.)

8. A substitute letter carrier may perform any duty, with or without compensation, in the post-office at which he is employed, when he is not actually engaged in the performance of substitute letter-carrier work. (Minutes, Jan. 2, 1894, clause 5.)

9. The Commission, in its discretion, may authorize a senior substitute to waive his right of promotion to a vacancy in the position of clerk or carrier in favor of the substitute standing next highest on the list, and retain his position at the head of the substitute list; but this will not be permitted until the Commission shall have ascertained through direct correspondence that such is the wish of the parties concerned. (Minutes, Mar. 2, 1895, clause 20.)

See Promotion; Promotion and Transfer; Transfer.

### **Temporary appointments.**

1. A person temporarily in the service may be continued on the register for certification to other departments. (Letter Book R, p. 213, Apr. 10, 1891.)

2. In the practice of the Commission no distinction has been drawn between permanent and temporary employees, except where there has been a distinction in the method of entering the service; but when such entrance has been analogous to the entrance to permanent places the temporary employees have been regarded as having all the rights under the rules as though appointed to permanent places. (Letter Book R, p. 164, Mar. 26, 1891.)

3. Where a person appointed from a register under a temporary appointment is again selected for a permanent appointment in the same department the appointment should date from the original temporary appointment. (Minutes, May 28, 1897, vol. 21, p. 235.)

4. *In post-offices.*—At the request of the Post-Office Department, it is ordered that hereafter no temporary appointments in post-offices be authorized except upon written request of the Post-Office Department. (Minutes, Jan. 7, 1899.)

5. *Pension agency service.*—Temporary appointments of persons to assist in quarterly payments of pensions will be passed as emergency appointments under the proviso of section 12 of Rule VIII. (Minutes, Oct. 4, 1898.)

6. *Expiration of eligibility during temporary service.*—A person appointed for temporary service from a register of eligibles, and whose year of eligibility may have expired during such period of temporary service, may, upon the request of the appointing officer, be certified for permanent appointment, provided the relative standing on the register of the said eligible at the time of selection for temporary appointment would have entitled him to certification at that time for permanent appointment. (Minutes, Feb. 12, 1898.)

See Apportionment; Certification.

### Transfer.

1. *Where charged to apportionment.*—In the event of a transfer being made from the classified postal service or the classified customs service to the classified departmental service, such transfer shall be treated as an original appointment to enter the departmental service and shall be charged to the apportionment of the State of which the person transferred is a legal resident. (Minutes, Apr. 25, 1888, clause 2; Sept. 5, 1896, vol. 20, p. 336; see Apportionment, 3.)

2. *Transfer of name from one register to another.*—An eligible, by filing a request with the Commission in such form as may be prescribed, may have his or her name transferred to another register, provided there is not involved in the examination required for said register essential tests different from or higher than those involved in the examination required for the register from which the eligible desires to be transferred. (Minutes, May 21, 1898, clause 5; see also Minutes, July 27, 1898, clause 4.)

3. *From Bureau of Engraving and Printing.*—Persons serving in these minor grades to which appointments are made without regard to the apportionment are not eligible for promotion or transfer to clerical places. Such persons can only enter the clerical service on the same basis with persons not in the public service. This ruling applies to employees below the clerk-copyist grade in the Bureau of Engraving and Printing, feeders and separators in the office of the United States Treasurer, employees in the Government Printing Office, the mail-bag repair shop of the Post-Office Department, and to messenger boys. \* \* \* The examination for places of this grade does not test the educational qualifications needed in the grade of clerk or copyist, but is intended to test only the measure of general intelligence requisite for the position of printers' assistant and other positions of like character. Neither the examination nor the character of service rendered in these places affords a ground for assuming fitness for clerical service. A leading ground of objection lies in the fact that certifications for appointment to places in these mechanical grades are not made upon the basis of apportionment, whereas the civil-service act requires the apportionment of appointments in the clerical grades. The act requires that entrance to the clerical service in the Departments at Washington shall be upon the basis of open competition. Printers' assistants and others in like grades can only properly enter the clerical grades upon being subjected to the same conditions of competition and of the apportionment of appointments as is applied to persons on the outside. If they could be advanced to clerical places without the observance of these conditions, it would, to the extent to which it might be carried, violate the principle of open competition and defeat the equal apportionment of appointments.

4. *From the Government Printing Office.*—Civil Service Rule IX, governing transfers, only permits transfers in the same class of work. Under this limitation the Commission has no authority to issue a certificate for a transfer from the Government Printing Office to an executive department except of persons employed in the trades, such as compositors, etc. One or two such transfers have been permitted to the

places of printers' assistant and operative in the Bureau of Engraving and Printing, where the same class of work is performed, which positions are outside the apportionment of appointments; but the Commission does not think that it is authorized under the rule to permit the transfer of such employees outside the trades to the regular staff of the department proper. (Letter to the First Assistant Secretary of the Interior, July 9, 1898; see Mechanical trades.)

5. *From mail-bag repair shop.*—These employees stand, in relation to the civil-service rules, on the same plane with printers' assistants, operatives and skilled helpers in the Bureau of Engraving and Printing, and sewers, folders, etc., in the Government Printing Office. Appointments to these grades are made without regard to the apportionment of appointments by States required by the civil-service act. Section 2, paragraph 3, of that act requires all appointments "to the public service \* \* \* in the departments at Washington" to be apportioned. \* \* \* A further consideration in this regard is that the character of the examination for these places is not intended to and does not test the educational qualifications needed in the clerical service, but is intended to test only that measure of general intelligence requisite for minor mechanical positions.

These reasons of apportionment and the character of examination set these places entirely apart from the regular service of the department proper, and the Commission thinks that the former mechanical grades of employment should not be made an avenue for promotion or transfer to the latter, which are chiefly clerical. Persons in the mechanical grades should only be permitted to enter the clerical service on the same basis of examination and apportionment with persons on the outside. (Letter to Postmaster-General, Aug. 15, 1896.)

6. *Transfer, without examination, from clerk to medical examiner, Bureau of Pensions.*—It appears that F. was originally appointed to the position of principal examiner in the Pension Office as the result of examination and certification by this Commission. Having been continuously in the service from the time he entered the position of principal examiner, he is now entitled, under the provisions of section 7, Rule X, to be retransferred without examination to the position of principal examiner, or to any position to which transfer could be made from the position of principal examiner, without examination. The only question, then, is whether transfer may be authorized without examination from the position of principal examiner to that of medical examiner. The provision of Rule X in the matter is found in the following language of section 2: "Transfer shall not be made without examination provided by the Commission to a position for original entrance to which, in the judgment of the Commission, there is required by these rules an examination involving essential tests different from or higher than those involved in the examination required for original entrance to the position from which transfer is proposed." The examination provided for entrance to the position of principal examiner includes the subject of medicine, but it is not so broad in its scope on this subject as is the examination provided for entrance to the position of medical examiner. The examination for principal examiner, however, includes in addition the subjects of law, pension law, and medical jurisprudence. While the medical tests in the medical examiner examination are fuller than those in the principal examiner examination, they can not be said to be essentially different or higher, and the medical examiner examination may therefore properly be regarded as merged in the examination for principal examiner. The Commission holds, therefore, that an examination is not required by the rules for transfer from the position of principal examiner to that of medical examiner; and F. being now entitled, as shown above, to transfer without examination to the position of principal examiner from the position of clerk, which he now holds, his transfer to the position of medical examiner without examination is approved. (Minutes, Oct. 24, 1898. Clause 3.)

7. *Transfer of eligibility from register of one internal-revenue district to another.*—The Commission holds that a person who has passed an examination in one internal-revenue district is only eligible for certification in that district, and that there is no authority

for the transfer of his eligibility to the register of another district. (Minutes, July 19, 1898, clause 2.)

8. *Customs service.*—Proposed transfer of the names of S. and B. from the register for the Galveston customs district to that for the Siluria district, they having been examined in the Galveston district through error of the local board.

The Commission holds that S. and B. having taken their examination in the Galveston customs district are eligible for certification and appointment only in said district as provided in section 9 of Rule VIII, and the Commission has no jurisdiction to certify to their change of register from the Galveston customs district to the Siluria district, and the application for such transfer must be disallowed. (Minutes, November 14, 1898, clause 1.)

9. *Indian service.*—Physicians, school superintendents, assistant superintendents, supervisors of schools, day-school inspectors, school teachers, assistant teachers, teachers of industries, disciplinarians, and kindergarten teachers are eligible for transfer to the positions of clerk, assistant clerk, issue clerk, property clerk, and other clerical positions, and storekeepers, at Indian agencies and Indian schools, without examination. Industrial teachers, matrons, assistant matrons, farmers, seamstresses, and nurses may be transferred to the clerical positions named upon passing the clerk examination. Persons proposed for transfer must have served a probationary period of six months before they can be eligible for examination for transfer. (Minutes, April 9, 1898, clause 4.)

10. *Lock fitter in mail-bag repair shop to skilled laborer position in post-office.*—Request of the Post-Office Department for transfer of J. from the position of boy lock fitter to a skilled-laborer position in the Washington, D. C., post-office.

In view of the statements made by the Second Assistant Postmaster General that J., as well as other employees of the mail-bag repair shop in the skilled-laborer grade, are subject to assignment to any duties belonging to the skilled-laborer grade in their respective shops, and that they have been transferred from time to time from one duty to another within the classified service as the exigencies of the service might seem to require, the said J. and all other employees in the mail-bag repair shop having similar duties will be regarded as belonging to the skilled-laborer grade, and their transfer to positions of the same grade in other departments, bureaus, or offices will be permitted, subject to the provisions of Rule X. (Minutes, Sept. 19, 1898, clause 15.)

11. *Second assistant engineer, Revenue-Cutter Service, to mechanical engineer, Engineer Department at large.*—The records of the Treasury Department show that B. was appointed second assistant engineer on July 13, 1895, for a period of six months, and that on February 1, 1896, he was commissioned by the President as second assistant engineer in the Revenue-Cutter Service. Having been promoted to this last-named position prior to the Presidential order of May 6, 1896, it can not be said that he ever occupied a classified nonexcepted position, or that he reached his Presidential position by promotion therefrom.

Section 5 of Rule X provides that transfer shall not be made from a position not classified under the civil-service act to a classified position, unless the person proposed for transfer reached his excepted position by promotion or transfer from a classified position. While it is true that B. reached his Presidential position by promotion or transfer from a position which was afterwards classified, yet the position from which he was promoted or transferred to the Presidential position was not classified at the time of such promotion or transfer, and therefore he can not be said to have entered his present position by promotion or transfer from a classified position.

From the foregoing statement it is the opinion of the Commission that B. has no status in the classified service nor any rights to transfer thereto. (Minutes, Oct. 17, 1898, clause 8.)

12. *Deputy collector of internal revenue to customs inspector without examination.*—Transfer can be made without further examination, as the examination for the internal-revenue service is considered equivalent to and not essentially different

from the examination for the position of inspector in the customs service. (Minutes, Sept. 29, 1898, clause 3.)

13. A person may not be transferred to a department, under the rules governing transfer, if not eligible under the age limitation for entrance examinations. (Minutes, April 3, 1889, clause 3, vol. 11.)

14. *Application showing legal residence where name is already on eligible register*.—Where a person to be transferred has taken an examination and his name is upon the register of eligibles, the fact that he is an eligible will be allowed to stand in lieu of his being required to again file an application showing legal residence. (Minutes, April 28, 1898, clause 1.)

15. *Transfer from an excepted to a nonexcepted place* in an office, with a view to further transfer immediately to another office or department. Where this purpose is stated in the papers in the form of a requisition for such transfer, a single examination may suffice for both transfers, the examination to test fitness for the place to which the second transfer is made, provided that such transfer requires an examination of equal or higher grade than the transfer from the excepted to the nonexcepted place; but if, on the other hand, transfer to the nonexcepted place requires a higher examination than the subsequent transfer, then that examination shall serve as the basis for the double transfer. (Minutes, July 28, 1893.)

16. *Post-office service*.—A substitute carrier may be transferred to substitute carrier in another office, taking his position on the substitute list in order of date of appointment in the office from which transferred. (Minutes Jan. 5, 1899, clause 2.)

17. *Substitute clerk to substitute carrier*.—The decision found on page 274 of the Fourteenth Report, relative to transfers of substitutes, \* \* \* will not be regarded as applying to the change of a person from one substitute roll in an office to another substitute roll in the same office. By a transfer, as referred to in the above decision, is meant where an employee goes from one branch of the service to another branch, and not a mere change of positions in the same office. The Department will be further informed that the Commission approves of the change of T. from the position of substitute clerk to the position of substitute carrier, \* \* \* provided he is placed at the foot of the substitute carrier roll. (Minutes, Jan. 26, 1899, clause 1.)

18. A junior substitute carrier may be transferred to a clerical position in the event of a dearth of clerk eligibles, provided the senior carrier declines in writing. (Minutes, June 3, 1897, vol. 21, p. 24.)

19. *From Railway Mail Service*.—Transfers from classified post-offices to the classified Railway Mail Service can not be made without examination, notwithstanding entry into the postal service through examination, but transfers may be made from the classified Railway Mail Service to the classified postal service without examination, if the person to be transferred entered the Railway Mail Service through examination. (Minutes, Nov. 7, 1894.)

See Legal residence; Reinstatement; Promotion and Transfer.

### **Vacancy.**

*Method of filling when the compensation is smaller than the highest eligible will accept*.—A vacancy occurred in a certain division of the Railway Mail Service. The salary of the position was only \$470 per annum. The ninth eligible on the list will accept the appointment, but there are eight men ahead of him on the register. The Commission held that these eight men must be offered the appointment *seriatim*, in order of their rank. If none of them accepts, the ninth eligible may be appointed, but the first eligible in point of rank who says he will accept the place must be appointed. (Minutes, Jan. 31, 1895, clause 6.)

### **Voluntary service.**

*Not permitted*.—The performance of voluntary service without compensation for the purpose of acquiring the necessary knowledge and skill to pass an examination prescribed by the Commission is in contravention of law. (See act of May 1, 1884, 23 Stat., 17, sec. 1; Minutes, Oct. 9, 1888.)

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## **PART V.**

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### **OPERATION OF THE CIVIL-SERVICE ACT AND RULES, INCLUDING INVESTIGATIONS.**

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## PART V.—OPERATION OF THE CIVIL-SERVICE ACT AND RULES, INCLUDING INVESTIGATIONS.

[The law and the rules are of such a nature, their practical methods and effects are by many so greatly misconceived and distrusted, and their execution confronts and defeats so many partisan, personal, and selfish interests, that their enforcement is possible only when it is absolute. To yield to sympathy in this case and pressure in that would be to make the execution of the law impossible and the position of a Commissioner intolerable. The surrendering to patronage of a single place in the classified service would not only invite a contest over every other, but would bring distrust upon the Commission and the good faith of an Administration. The only alternatives, therefore, are to enforce the new system absolutely or to abandon it altogether. (Second Report, United States Civil Service Commission, page 55.)]

### GENERAL STATEMENT.

The civil-service act authorizes the Commission to make investigations concerning the facts and to report upon all matters touching the enforcement and effects of the rules and regulations, and concerning the action of any examiner and its own subordinates and those in the public service, in respect to the execution of the act. These investigations are among the most important duties of the Commission, and its policy in this regard has been consistently pursued; for, as far as possible, it has been the aim to keep the most vigilant watch to prevent the violation or evasion of the law. Investigations have been made for offenses alleged to have been committed both under the present and the preceding Administrations, and, as a result, the Commission has recommended the dismissal of certain officers and the prosecution of others. The investigations have had an excellent effect and produced changes for the better. A constant watch is exercised to secure honesty and justice in examinations and certifications.

A check is kept upon appointments, all appointments being reported to the Commission and carefully examined to see that they are in conformity with the rules; but it is more difficult to keep a proper check upon removals and at the same time not to interfere with the discipline of the service. The extent to which removals are made is usually a fair index to the observance of the law in respect to partisanship, at least as presumptive evidence. Where one officer makes an excessive number of removals he makes it difficult to hold his successor to a rigid accountability and increases the temptation to a loose observance of the law. The watch kept has shown officers who were apparently inclined to ignore or evade the law that the Commission would do its best to see that they were not permitted to do so with impunity.

The following statement of the operation of the civil-service act and rules includes investigations made during the year ended June 30, 1898, and also the period to November following, and in a few instances the account of the investigations is continued to a later date. The report was not intended to comprehend matters occurring later than November, but it seemed desirable in some instances to state the conclusion of such of the investigations as were begun during the year covered by the report, and an exception was accordingly made in this particular, and facts stated which occurred subsequent to November. In the account of the operation of the rules in the Internal-Revenue Service a further exception has been made,

and an account given of all the investigations to the present time. In view of the change in the rules on May 29, 1899, excepting deputy collectors from competitive examination, it seemed desirable to give connectedly and entirely the history of the controversy respecting the classification of these positions, and not to defer the later history to the Sixteenth Report.

Some of these investigations were made by employees of the Commission, acting under its direction, and others were conducted by correspondence. The cases embraced include those of the most importance undertaken by the Commission during the period referred to, and are illustrative of the abuses which the civil-service act is intended to remedy. A number of investigations were begun, but were discontinued when it became evident that there was no real foundation for the charges. These cases do not appear in this statement. The cases here presented for the most part relate to efforts to collect political assessments, and to appointments and removals for political reasons.

The statement is intended to show the scope and character of the efforts of the Commission in the enforcement of the act and rules, within the limits of its authority, rather than as an enumeration of all complaints and investigations. There have not been sufficient force and money to make the inspection of local offices as rigorous as it should be in order to secure a full observance of the law.

In some of these cases there has been a failure on the part of the Department to sustain the efforts of the Commission to secure the righting of wrongs. Nevertheless, the publicity given to the facts has usually resulted in stopping the violations of law and in a marked improvement in administration. The showing in these cases is not wholly satisfactory, but there has been a substantial gain, and the fact of this gain makes it easier to secure a more effective observance in the future. In some offices, where there have in the past been frequent violations of the law, the Commission has been able to secure a close observance of the merit system, both in letter and spirit, resulting in a superior class of appointees.

In the parts of the service which have been under the operation of the merit system for several years politics have been practically eliminated in appointments and removals. It is usually only in the newly classified branches, where the old system lingers, that there is still trouble. This has been notably the case in the Internal Revenue Service, offices of United States marshals, and pension examining boards.

A perusal of these investigations will show that a large number of removals in the newly classified offices and in excepted places have been made for political reasons, although offenses generally of a minor character have been alleged as the ground for removal. Where a "clean sweep" has been made the burden of the proof rests upon the appointing officer to show that it was not made on the ground of politics. Much good has resulted from the President's order of July 27, 1897, respecting removals. The Commission could make its investigations much more effective if it had power to inquire fully into all cases of removal and could administer oaths.

The Commission has held that a reinstatement may be made only where there is a "vacancy," and that a vacancy can not properly be created by the removal of an employee for the purpose of reinstating a person in his stead for political reasons. The creation of a vacancy for the sole purpose of reinstating a person to fill a position because of political opinions contravenes the whole purpose and spirit of the law. A reinstatement may properly be made only where a vacancy arises in the natural course, and not by a forced removal without just cause. An arbitrary removal of an employee merely to make a place for another, even though a soldier, is a violation of the rules and a subversion of the merit system established by the civil-service act and rules. Under the merit system politics can rightly have nothing to do with entrance to, continuance in, or exit from the service. In several of the cases in which removals of this character were made it appeared that the men removed were very efficient. Such a practice of political reprisal upon each change of Administration would, to the extent to which it might be practiced, defeat the merit system.

Admitting that unjustifiable removals were made under a preceding Administration, it was wrong to try to cure them by committing another wrong. Besides, in order to do exact justice, the Democratic employees unjustly removed by Republican postmasters and collectors were equally entitled to be restored. In fact, neither one nor the other should be restored. The only safe rule to follow is not to take into account what went on before. If an effort is made to rectify past wrongs, suffered and committed by both parties during the preceding years it would be impossible to avoid committing fresh wrongs, and thereby affording a precedent for the possibility of committing another wrong four years later, and so on. The reinstatement results in turning out, not the original beneficiary of the wrong, but some innocent and honest outsider. The persons reinstated are often those who have failed to succeed in outside life and who were the least efficient. With each change of Administration partisans of the party which has returned to power endeavor to secure the reinstatement of their party friends who have been turned out. While injustice is sometimes thus remedied the general result is bad, and a system of sweeping removals and sweeping reinstatements for political reasons is encouraged with each change of Administration. The rule adopted July 27, 1897, requiring reasons for removal to be given, so far as it has application, will prevent wrongs of this kind.

### POLITICAL ASSESSMENTS AND COERCION.

During the fall of 1898, preceding the election in November, the Commission's attention was called to certain circular letters issued by political organizations for the purpose of collecting political assessments, the levying of which, in violation of the civil-service law, renders such person or persons guilty of a misdemeanor and punishable by a fine or imprisonment or both.

Relating to this matter, the action of the Commission is indicated in the following circular of the Post-Office Department, issued October 15, 1898. A similar circular was issued by the Treasury Department.

"POST-OFFICE DEPARTMENT,  
" *Washington, D. C., October 18, 1898.*

"By request of the Civil Service Commission, all postmasters are hereby directed to sign and post conspicuously in their respective offices copies of the following circular, issued by the United States Civil Service Commission, and to use every means to direct the attention of their subordinates to the provisions thereof.

"PERRY S. HEATH,  
" *Acting Postmaster-General.*

### "WARNING AGAINST POLITICAL ASSESSMENTS.

"The civil-service act makes political assessments of Federal officers and employees a misdemeanor. The following are the provisions of the law on the subject:

"SEC. 2. Paragraph second, clause fifth. That no person in the public service is for that reason under any obligation to contribute to any political fund, or to render any political service, and that he will not be removed or otherwise prejudiced for refusing to do so.

"SEC. 11. That no Senator, or Representative, or Territorial Delegate of the Congress, or Senator, Representative, or Delegate elect, or any officer or employee of either of said Houses, and no executive, judicial, military, or naval officer of the United States, and no clerk or employee of any department, branch, or bureau of the executive, judicial, or military or naval service of the United States, shall, directly or indirectly, solicit or receive, or be in any manner concerned in soliciting or receiving, any assessment, subscription, or contribution for any political purpose whatever, from any officer, clerk, or employee of the United States, or any department, branch, or bureau thereof, or from any person receiving any salary or compensation from moneys derived from the Treasury of the United States.

"SEC. 12. That no person shall, in any room or building occupied in the discharge of official duties by any officer or employee of the United States mentioned in this:

act, or in any navy-yard, fort, or arsenal, solicit in any manner whatever, or receive, any contribution of money or any other thing of value for any political purpose whatever.

"SEC. 13. No officer or employee of the United States mentioned in this act shall discharge, or promote, or degrade, or in any manner change the official rank or compensation of any other officer or employee, or promise or threaten so to do, for giving, or withholding, or neglecting to make any contribution of money or other valuable thing for any political purpose.

"SEC. 14. That no officer, clerk, or other person in the service of the United States shall, directly or indirectly, give or hand over to any other officer, clerk, or person in the service of the United States, or to any Senator or Member of the House of Representatives, or Territorial Delegate, any money or other valuable thing on account of or to be applied to the promotion of any political object whatever.

"SEC. 15. That any person who shall be guilty of violating any provision of the four foregoing sections shall be deemed guilty of a misdemeanor, and shall, on conviction thereof, be punished by a fine not exceeding five thousand dollars, or by imprisonment for a term not exceeding three years, or by such fine and imprisonment both, in the discretion of the court.

"Approved January 16, 1883."

"UNITED STATES CIVIL SERVICE COMMISSION,

"Washington, D. C., August 26, 1896.

"It is the duty of the Commission to see that the provisions of this law are strictly enforced, and it will employ every legitimate and available means to secure the prosecution and punishment of whoever may violate them. The Commission requests any person having knowledge of any violation of this law to lay the facts before it, and it will at once take action upon them.

"JOHN R. PROCTER, *President*.

"All employees connected with this office are hereby notified that they are under no obligation whatever, by reason of their being in the public service, to make contributions or subscriptions for political or other purposes, and that they will not be molested or in any way discriminated against for failure to so subscribe or contribute.

"\_\_\_\_\_,

"Postmaster.

"\_\_\_\_\_,

(Name of city.)

#### FEDERAL OFFICES AT RICHMOND, VA.

In October, 1898, R. Emmett Jones and John Clinton, jr., of Richmond, Va., representing organizations of that city known as the Central Republican League and the Richmond Republican city committee, wrote the Commission, charging, with offer of proof, that political assessments had been made and contributions solicited in the Government building, with the knowledge, consent, and even assistance of Postmaster Wray T. Knight, Assistant Postmaster John L. Grubbs, and Deputy Collector of Internal Revenue N. J. Smith; that the above-named officers, with Morgan Treat, marshal for the eastern district of Virginia, and very many of their subordinates, had violated the Executive order of July 14, 1886, in using their official positions to control political movements, and that Marshal Treat and Deputy Collector Smith had also been guilty of an attempt to bribe.

The charges made by Messrs. Jones and Clinton were communicated by the Commission to the three Departments concerned (the Treasury, Post-Office, and Department of Justice), with the request that each cooperate with the Commission by sending a representative authorized to make an investigation. The Treasury Department declined to send a representative, but instructed Deputy Collector Smith to make answer to the charges, in accordance with the requirements of Department Circular 122. The Post-Office Department directed a representative to proceed to Richmond and conduct an independent investigation. The Department of Justice made reply that in view of the fact that the Commission would conduct a general investigation it was not deemed necessary at that time to send a represen-

tative to investigate the charges concerning Marshal Treat. The Department requested that it be informed of the result of the Commission's investigation so far as the marshal's office was concerned.

Representatives of the Commission visited Richmond and investigated the charges made. The principals and witnesses on both sides were examined and the testimony of importance reduced to writing. Each charge made was either denied absolutely or such explanation given that no violation of the civil-service law appeared. Thus, one witness stated that he had received money in the Government building from Deputy Collector Smith to be used in an election for delegates in his precinct, and that he had seen Smith collect a contribution for political purposes from a carrier. The affidavit of the carrier sustaining the latter charge was furnished. When confronted with this testimony Deputy Collector Smith stated that the only money he had paid to the witness preferring charges was for hall rent, and denied absolutely that he had ever collected any money for political purposes from the carrier furnishing the affidavit. He further stated that both of the persons making these charges were removed employees. The employees in the Government building examined by the Commission's representatives denied having been requested to make political contributions or having seen others solicited to make them.

There was evidence tending to show that Postmaster Knight, Assistant Postmaster Grubbs, Marshal Treat, Deputy Collector Smith, and their subordinates had used their official positions to control political movements.

The testimony adduced concerning the charge of attempted bribery was hopelessly conflicting, but the explanation made by the defendants examined could readily be reconciled with the facts, and not only did the persons charging bribery fail to establish such charge, but failed to bring forward a preponderance of evidence.

The results of the Commission's investigation were communicated to the departments interested.

#### POLITICAL ACTIVITY OF OFFICEHOLDERS, ETC.

The effect of establishing impersonal tests for appointment at once put an end, in the parts of the service to which the classification was extended, to the use of offices in the aid of a political party. Civil Service Rule II, clauses 2 and 3, extends this principle. It declares that—

No person in the executive civil service shall use his official authority or official influence for the purpose of interfering with an election or controlling the result thereof,

and also that—

No person in the executive civil service shall dismiss, or cause to be dismissed, or make any attempt to procure the dismissal of, or in any manner change the official rank or compensation of, any other person therein because of his political or religious opinions or affiliations.

These provisions of the rule are founded upon and in furtherance of like provisions in the civil-service act. The rules declare that a willful violation of any of the provisions of the civil-service act or rules shall be punished by dismissal from office.

It is noticeable that persons who enter the service upon the basis of their personal merit, and not because of their partisan services, seldom attempt to exceed a due exercise of their rights as citizens, and avoid offending those in contact with them by obtrusive partisan zeal. These persons have no motive to levy political assessments upon their fellows in office nor to overstep the proprieties of their positions by becoming active campaign workers. Every just right of citizenship in the exercise of political rights is preserved in the civil-service act and rules, and it is only the intrusion of official influence in elections or the use of official influence to coerce the equal rights of others that is forbidden.



## COMPLAINT OF MR. GEORGE W. JOLLY, SECOND CONGRESSIONAL DISTRICT OF KENTUCKY.

The most serious complaint presented to the Commission of a violation of the Executive order of July 14, 1886, arose in the Second Congressional district of Kentucky. Mr. George W. Jolly, a candidate for the Republican nomination for Congress, stated that Mr. E. T. Franks, collector of internal revenue for the second district of Kentucky, used and abused his official position to control the primary meetings and conventions of the party, and had sent some of the revenue officials over the district for that purpose. The following is a portion of Mr. Jolly's letter:

Some time after I became a candidate Franks sought to bring out a candidate in opposition, and finally succeeded in inducing a young man named Fowler, at Hopkinsville, to become a candidate.

On last Monday I spoke at Dixon, in Webster County, and a meeting of the Republican county committee had been called by the chairman of the committee for that day. A Mr. Browning, formerly a citizen of Webster County but now a storekeeper or gauger under Franks, I learned had been in the county a day or two and was present on that day, endeavoring to influence the county committee and adopt measures to defeat me in the county and secure delegates in opposition to me. Appeals were made by Browning to several local postmasters to aid him, and they were told that inasmuch as Franks had had them appointed they ought to do his bidding in political matters, and also that what he had had done he might have undone. Some resented these solicitations and others (I suppose) feared to do so.

Mr. C. Henderson, whose wife is postmaster at Blackford, in Webster County, and the postmaster at Hanson (I think it was) told me of being approached in this way Monday.

In Union County, W. L. Hardigg, a deputy collector, is chairman of the Republican county committee, and called and held a "snap" convention last Monday, a month in advance of the district convention.

\* \* \* \* \*

Is the Executive order of July 14, 1886, in force? If so, a copy of it sent to the postmasters in this Congressional district will have a wholesome effect. \* \* \*

This communication was referred to the Secretary of the Treasury on August 5. The Secretary of the Treasury, on August 6, called the collector's attention to Executive order of July 14, 1886 (a copy of which will be found elsewhere in this report p. 262), and said:

This Executive order promulgated by the Treasury Department is still in force, and you are respectfully cautioned that if the allegations made are found to be true in fact, they will be made the subject of official action. This caution, so far as may be necessary, should be communicated to your employees, as you, being their responsible head, will be held responsible for their action.

In his reply to the Secretary of the Treasury, under date of August 12, the collector, among other things, said:

Nothing could be further from the truth than that the collector of internal revenue or anyone of his subordinates [has] violated either the letter or the spirit of the civil-service law.

We have two candidates in this district making the race for the nomination before the Republican convention which meets August 29. One of the men is my warm personal friend; the other one, while living in this city, has refused to speak to me, or to a great many of my appointees that live in this Congressional district, since the year 1891; and while he would naturally suppose that I would be against him for the nomination, yet I have at all times refused to be interviewed by the public press as to my choice for Congress, and I have never at any time asked any one of my employees, either verbally or otherwise, to vote or work for the success of any candidate or to vote or work against the success of any candidate. I have been remarkably quiet during this campaign, more so than I have been for ten years before. \* \* \* What few appointments I have had the pleasure of making, and those that I have recommended through the Honorable Commissioner of Internal Revenue to your Department for appointment, have been active Republicans, who have been in the habit of attending Republican conventions, and it is natural to suppose that they would prefer a good Republican and a friend of the Administration to one that was not. Yet I have never advised any of my employees what they should do in the present campaign.

On August 23 the Commission received the following telegram from Mr. Jolly:

The letters of admonition to Collector Franks and Postmaster Van Rensselaer have had no effect at all. The postmaster has not resigned chairmanship, and Franks is openly electioneering and boasts he is going to run the convention next Saturday here. This means force and fraud will be adopted. Both officers ought to be removed. Several revenue officers are at work electioneering. Will not the Postmaster-General and Secretary of Treasury enforce the Executive orders of Hayes and Cleveland? Please see them at once and ask them to take immediate action. Public sentiment is strongly against their conduct. Can you not have a member or an agent of the Commission here Saturday? Answer.

This telegram was referred to the Secretary of the Treasury, with the request that he direct an officer of the Department to visit Owensboro on the following Saturday to see that the Executive orders were obeyed.

Under date of September 12 Mr. Jolly informed the Commission that, so far as he was able to judge, the order of the Treasury Department was wholly disregarded by Mr. Franks and that he was even more active after the receipt of the letter than before; that he was advising, aiding, and assisting in the organization of the county convention and the district convention at which he (Jolly) was nominated for Congress and, in fact, was the leader in every way. Among other things, Mr. Jolly said:

On the day before the Daviess County convention he (Franks) corralled about 150 or 175 negroes in a hall at Owensboro. They were furnished with beer and marched up the street with a band at the head of them, carrying a banner, "W. T. Fowler, the Administration candidate." This crowd was received by Franks at the court-house door.

In the convention there assembled, I suppose, in the neighborhood of 1,000 Republicans, all of whom, with the exception of not exceeding 200, were wearing my badges, and voted for the election of Mr. Reno for chairman, and were in favor of instructing the delegates to the district convention to vote for my nomination. Notwithstanding this, Franks, Van Rensselaer, and about fifteen or twenty white men, mostly officeholders, undertook to hold a convention in the court room at the time that the convention presided over by Mr. Reno was held, and Franks and his crowd claimed to have elected Van Rensselaer, the postmaster at Owensboro, chairman, and appointed delegates to vote the county for Fowler. They created a great deal of confusion and disturbance, but the regular convention was held by Mr. Reno and delegates selected and instructed to cast the vote of the county for myself.

Franks and Van Rensselaer \* \* \* and a few others went to Henderson to the district convention and undertook to cast the vote of Daviess County for Fowler.

W. L. Hardigg, a deputy collector under Franks, stationed at Uniontown, was acting as chairman of the Union County committee and held a snap convention down there, and, although I am informed by friends of mine a majority of those present were in favor of my nomination, he counted it against me.

The publication of the Secretary's letter to Franks in the newspapers here had the effect of deterring the storekeepers and gaugers from going to the county convention here; but R. F. Gould, Buck Morton, James Wilson, and Ben Meredith were active before the convention.

A storekeeper by the name of Browning went into Webster County and spent several days there electioneering before the county convention, and he was also present at the district convention and engaged in a fisticuff with one of the delegates from Webster County during the proceedings of the convention.

\* \* \* \* \*

Nothing more indecent or outrageous can be imagined than the conduct of E. T. Franks before and at these county conventions and at the district convention at Henderson.

This letter was forwarded to the Secretary of the Treasury for his attention, but the Commission has not been advised of any action in the premises.

The Commission has no authority or duty under the civil-service act and rules in the enforcement of the Executive order. The conduct of an officeholder not falling within the prohibitions of Rule II, quoted above, is rather for the consideration of the appointing power under whom the officer serves, and beyond the province of the Commission. The utility of the provisions of the act and rules respecting the use of official authority or influence to coerce political action rests in some degree as precepts, as only gross forms of their violation can be easily proved. With the extension of the merit system throughout the civil service, employment in or entrance to the

public service is no longer through political influence, but upon personal merit; and continuance in office being dependent solely upon individual merit and individual fidelity, political abuses naturally cease. In accordance with these views the Commission, on October 15, 1898, sent the following circular letter to its local boards of examiners throughout the country:

POLITICAL ACTIVITY OF FEDERAL OFFICERS AND EMPLOYEES.

UNITED STATES CIVIL SERVICE COMMISSION,  
Washington, D. C., October 15, 1898.

SIR: Your attention is invited to the following extracts from the Executive instructions of July 14, 1886, which are still in force, and which are republished for the information and guidance of all officers and employees in the Executive civil service. These instructions were issued as orders by each of the Departments at the time, in accordance with the direction of the President. They were also included in the Postal Laws and Regulations of 1893 (see section 435). On May 23, 1894, they were republished by the Postmaster-General:

"Officeholders are the agents of the people, not their masters. Not only is their time and labor due to the Government, but they should scrupulously avoid, in their political action as well as in the discharge of their official duty, offending, by display of obtrusive partisanship, their neighbors who have relations with them as public officials.

"They should also constantly remember that their party friends, from whom they have received preferment, have not invested them with the power of arbitrarily managing their political affairs. They have no right as officeholders to dictate the political action of their party associates, or to throttle freedom of action within party lines by methods and practices which pervert every useful and justifiable purpose of party organization.

"The influence of Federal officeholders should not be felt in the manipulation of political primary meetings and nominating conventions. The use by these officials of their positions to compass their selection as delegates to political conventions is indecent and unfair; and proper regard for the proprieties and requirements of official place will also prevent their assuming the active conduct of political campaigns.

"Individual interest and activity in political affairs are by no means condemned. Officeholders are neither disfranchised nor forbidden the exercise of political privileges; but their privileges are not enlarged nor is their duty to party increased to pernicious activity by officeholding.

"A just discrimination in this regard between the things a citizen may properly do and the purposes for which a public office should not be used is easy in the light of a correct appreciation of the relation between the people and those intrusted with official place, and a consideration of the necessity, under our form of government, of political action free from official coercion."

The Postmaster-General, in a letter dated August 8, 1898, stated that the order of the President above quoted had been neither revoked nor modified.

Those who enter the classified civil service upon the ground of ascertained merit as established by the civil-service rules, and are protected therein, should be quick to recognize the reciprocal obligations thereby imposed and avoid any action which now or at any future time could reasonably be subject to adverse political criticism.

The Commission believes that the best interests of the service will be promoted by the nonparticipation of all members of its boards of examiners in political conventions or in the work of political committees.

While attendance at a political convention as a delegate or membership upon a political committee is not in itself a violation of the civil-service rules, the Commission holds that all partisan activity, if sufficient to impair usefulness as a representative of the Civil Service Commission, is sufficient cause for removal from membership on any of its boards of examiners.

Section 2 of the civil-service act of January 16, 1883, provides that no person in the public service "has any right to use his official authority or influence to coerce the political action of any person or body."

Very respectfully,

JOHN R. PROCTER, *President*.

In the Railway Mail Service the conduct of officials is regulated by the following order:

The Department does not attempt or desire to control the political opinions of anyone connected with the service, but it has for years insisted that the clerks *shall not* take an active interest in politics in the way of attending conventions as delegates, making political speeches, or assisting in the management of political

campaigns. It holds, and has held, that the interests of the service can be best subserved by requiring the clerks to attend strictly to their official duties and to maintain amicable relations with those with whom they come in contact, both in their official and in their personal character. It freely accords them the right to vote according to the dictates of their own conscience, and to express their political opinions in courteous and gentlemanly language, but more than this is detrimental to the best interests of the service and in violation of the order of the President issued July 14, 1886, which was published in the Postal Laws and Regulations of 1887.

OWENSBORO, KY., POST-OFFICE. FILE 434 S.

In the matter immediately preceding, under the head of "Complaint of George W. Jolly, Second Congressional District of Kentucky," the statement of that gentleman concerning an alleged attempt on the part of internal-revenue officials to control political action in the congressional district mentioned is given, together with the action of the Commission. Incidental reference is also made to Mr. Jolly's charge that post-office officials took part in attempts to control conventions, etc. This matter was referred by the Commission to the Postmaster-General on August 5, 1898, with the request that the Department issue proper instructions to the postmasters of the district in question to comply with the Presidential order referred to as embodied in section 435 of the Postal Laws and Regulations.

In a letter to Mr. Jolly, under date of August 8, the Postmaster-General made the following statement:

The president of the Civil Service Commission has handed to me a copy of your letter of August 3, in reference to certain employees in the Government service taking an active part in politics. The attention of the Department had already been called to the fact that the postmaster at Owensboro was chairman of the Republican county committee, and on August 2 a letter was addressed to him requesting him to resign as chairman.

If you will kindly advise me of any postmaster who is offensively active in politics, I will cheerfully take the matter up.

I inclose with this a copy of an order by the President under date of July 14, 1886, which has been neither revoked nor modified.

On August 23 the Commission received a telegram from Mr. Jolly (printed at p. 261) to the effect that the letters of admonition from the Post-Office Department and Treasury Department had not had the intended effect, inasmuch as the officials complained of were still unreasonably active in their endeavors to control political movements, and a request was made that an agent of the Commission be sent at once to investigate the situation.

This communication was at once referred to the Post-Office Department with the suggestion that it send a post-office inspector to Owensboro to see that the Executive orders were complied with.

Subsequently Mr. Jolly filed another complaint, charging the postmasters referred to, in cooperation with other officers of the Federal Government, with wholly disregarding the Executive order, in advising, aiding, and assisting in the organization of a county convention and a district convention, in opposition to the regular conventions, for the purpose of defeating Mr. Jolly's nomination. The following extracts are taken from Mr. Jolly's letter:

In the convention there were assembled I suppose in the neighborhood of 1,000 Republicans, all of whom, with the exception of not exceeding 200, were wearing my badges and voted for the election of Mr. Reno for chairman, and were in favor of instructing the delegates to the district convention to vote for my nomination. Notwithstanding this, Franks (the collector of internal revenue), Van Rensselaer, and about fifteen or twenty white men, mostly officeholders, undertook to hold a convention in the court room at the time the convention, presided over by Mr. Reno, was held, and his crowd claimed to have elected Van Rensselaer (the postmaster at Owensboro) chairman, and appointed delegates to vote the county for Fowler. They created a great deal of disturbance and confusion, but the regular convention was held by Mr. Reno, and delegates selected and instructed to cast the vote of the county for myself.

Van Rensselaer, John N. Adcock (postmaster at Philpot), Pat Hatley (postmaster at Whitesville), and a few others went to the Henderson convention and undertook



to cast the vote of Daviess County for Fowler. E. C. Vance, whose wife is postmistress at Hawesville, he being her deputy, was also in the same conspiracy with Franks, and although I carried every precinct in Hancock County, instructing for me nnanimsously, Vance came to the district convention contesting the vote of Hancock County. The postmasters at Henderson, at Madisonville, at Calhoun, and at Livermore were all active participants in the county and district conventions.

This letter was referred to the Post-Office Department on October 8, 1898, with the request that the Department take immediate action on the complaint, and Mr. Jolly was advised to that effect on October 24.

The complaint in question, while involving a direct violation of the Executive order of July 14, 1886, also comprehends a violation of clause 6 of section 2 of the civil-service act and section 2 of Rule II, the former providing "that no person in said service (the executive civil service) shall use his official authority or influence to coerce the political action of any person or body," and the latter that "no person in the executive civil service shall use his official authority or official influence for the purpose of interfering with an election or controlling the result thereof."

OSWEGO, N. Y., CUSTOM-HOUSE. FILE 409 S.

In an article in the Oswego Times of August 11, 1898, the name of W. H. Selleck, secretary of the customs board of civil-service examiners at the port of Oswego, N. Y., was mentioned as having served on a certain committee in the Republican county convention then in session at Pulaski, N. Y., and as having been appointed a delegate to certain other political conventions to be held at a later date, contrary to the course outlined by the Commission for the guidance of members of its boards of examiners in the matter of political activity in a minute adopted on January 22, 1896, which reads as follows:

A person in the public service who is a member of any political committee, or of any association organized for the purpose of or engaged in the work of promoting the interest of any political party, shall not be eligible to membership on any board of examiners of the Commission, and participation in political conventions by representatives upon such boards will be a cause for relieving them from duty thereon.

The Commission accordingly communicated with Mr. Selleck, calling his attention to the regulation quoted above and to section 1 of the civil-service act and article 5 of the civil-service Rule IV.

"The intent of these provisions of the law and rules," said the Commission, commenting thereon, "is that both the Commission and all its boards of examiners shall be organized upon a strictly nonpartisan basis. Moreover, the reasons leading to and the objects sought by the enactment of the civil-service law are in keeping with this purpose and intent.

"It is also seen that the above-quoted regulation of the Commission is merely based upon and in pursuance of the act of Congress and the rules of the President, its purpose being merely to execute such act and rules. Some such regulation is required in order to carry out the nonpartisan system contemplated by the civil-service act and rules."

"You will note," the Commission added, "that there is nothing to prohibit a member of a board from freely exercising his right of suffrage and affiliating with whatever political party he deems proper. It has been brought to the attention of the Commission, however, that recently you took active participation in and rendered service on committees of a political convention. You will at once see that such action and service were inconsistent with the above-quoted regulation. \* \* \* The Commission will be glad to continue to avail itself of your services as secretary of its board, provided, of course, that it can do so in conformity with the above-quoted requirements. You are requested to communicate with the Commission in this matter at your earliest convenience."

This communication was followed on October 14, 1898, by a letter from Mr. Selleck *in which he stated* that he had taken active part in the convention in question, but

was not aware of the regulation of the Commission prohibiting such action, or of the purpose and intent of the law relating to the question. He desired, however, to continue as an active and consistent party worker, and therefore requested the Commission to accept his resignation as secretary of the customs board at Oswego, N. Y.

Mr. Selleck's resignation was accordingly accepted, with the understanding that he should continue in the performance of his duties until a suitable person should be selected to succeed him.

#### FEDERAL OFFICERS IN SOUTHERN CALIFORNIA. FILE 406 B.

In a communication under date of September 19, 1898, L. E. Mosher, editor of the Los Angeles Times, called the Commission's attention to a plank in the platform adopted by the Republican county convention of Los Angeles County, protesting against the interference of officeholders in the political affairs of the State and county, and charged the United States marshal and the United States attorney for that district, both members of the executive committee of the Republican State central committee, with having occasioned the insertion of this plank through their political activity in the campaign then being conducted and their neglect of the duties of their respective offices by reason thereof.

The complaint was at once referred to the Attorney-General and his attention called to the provisions of section 2 of Rule II, and to the Executive order of July 14, 1886, warning Federal officeholders against the use of their official positions to control political movements in their localities.

The Attorney-General replied under date of October 5, 1898, stating that he had directed an investigation as to the truth of the charges. On December 6, 1898, the Commission communicated with the Attorney-General requesting to be advised of the result of the investigation, and was informed on December 10 that the investigation failed to disclose that either of the officials against whom charges had been made had in anywise neglected his official duties or engaged in any political work inconsistent or incompatible with the full and free discharge of his official duties.

#### PAYMENT OF SALARY TO PERSONS ILLEGALLY APPOINTED.

During the period covered by this and the preceding report the Commission has appealed to the accounting officers of the Government to refuse credit for the payment of salary to persons appointed to positions in the classified civil service without previous compliance with the civil-service law and rules. (See Opinions of Comptroller of the Treasury and resulting correspondence, Department of Justice, p. 426, and Internal-Revenue Service, p. 295, *et seq.*) Section 2 of the civil-service act provides that—

\* \* \* all the offices, places, and employments so arranged or to be arranged in classes shall be filled by selections according to grade among those graded highest as the results of such competitive examinations.

Section 7 contains this mandate:

That after the expiration of six months from the passage of this act no officer or clerk shall be appointed, and no person shall be employed to enter or be promoted in either of the said classes now existing, or that may be arranged hereunder pursuant to said rules, until he has passed an examination, or is shown to be specially exempted from such examination in conformity herewith. \* \* \*

In view of the appointment of office deputy marshals, clerks to assistant district attorneys, etc., under the Department of Justice, and of deputy collectors of internal revenue under the Treasury Department, without compliance with the above provisions of law governing such positions as portions of the classified civil service, and after unavailing requests to the heads of the departments concerned to remedy the matter, the Commission reported the lists of appointments so made, respectively, to



the Auditor for the State and other Departments, and the Auditor for the Treasury Department, and later to the Comptroller of the Treasury. In its letters the Commission called attention to the classification of the above-named positions by the heads of the Department of Justice and the Treasury Department in pursuance of section 6 of the civil-service act and its ability and readiness to fill all vacancies arising in due course.

The Auditor and the Comptroller made response that they were without jurisdiction in the premises.

In the State of New York it has been made unlawful for the comptroller to draw his warrant for the payment of any salary or compensation to any officer, clerk, or other person in the classified civil service of the State who has not been certified by the State civil-service commission as having been appointed or employed in pursuance of law and the rules and regulations of the commission drawn in pursuance of law.

Were the Commission clothed with the powers of the New York and Chicago civil service commissions, and the auditing officers of the General Government required by law not to give credit for compensation to persons reported by the Commission as appointed in contravention of the civil-service law and rules, pending the determination of their right to compensation, there is reason to believe that few, if any, illegal appointments would be made.

The provisions of the recently enacted New York law upon this subject are as follows:

**SEC. 19. *Disbursing officers.***—It shall be unlawful for the comptroller or other fiscal officer of the State or any city or civil division thereof for which civil-service rules have been prescribed pursuant to this act, to draw, sign, or issue, or authorize the drawing, signing, or issuing, of any warrant on the treasurer or other disbursing officer of the State or such city or civil division thereof, for the payment of, or for the treasurer, or other disbursing officer of the State, or of such city or civil division thereof, to pay any salary or compensation to any officer, clerk, or other person in the classified service of the State or of such city or civil division thereof, unless an estimate, pay roll, or account for such salary or compensation, containing the names of the persons to be paid, shall bear the certificate of the State civil service commission, or in case of the service of a city, the certificate of a municipal civil service commission of such city, that the persons named in such estimate, pay roll, or account have been appointed or employed or promoted in pursuance of law and of the rules made in pursuance of law. Any officer, clerk, or other person entitled to be certified by said commission, or either of them, to the comptroller, treasurer, or other fiscal or disbursing officer of the State or any city or civil division thereof, as having been appointed or employed in pursuance of law and of the rules made in pursuance of law, and refused such certificate, may maintain a proceeding by mandamus to compel such commission or commissions to issue such certificate. Any sums paid contrary to the provisions of this section may be recovered from any officer or officers making such appointment in contravention of the provisions of law and of the rules made in pursuance of law, or any officer signing or countersigning, or authorizing the signing or countersigning of, any warrant for the payment of the same, and from the sureties on his official bond, in an action in the supreme court of the State, maintained by a citizen resident therein, who is assessed for and is liable to pay, or within one year before the commencement of the action has paid, a tax therein. All moneys recovered in any action brought under the provisions of this section must, when collected, be paid into the treasury of the State or such civil division thereof, except that the plaintiff in any such action shall be entitled to receive for his own use the taxable costs of such action.

\* \* \* \* \*

**SEC. 27. *Taxpayer's action.***—The right of any taxpayer to bring an action to restrain the payment of compensation to any person appointed to or holding any office or place of employment in violation of any of the provisions of this act, shall not be limited or denied by reason of the fact that said office or place or employment shall have been classified as, or determined to be, not subject to competitive examination: *Provided, however,* That any judgment or injunction granted or made in any such action shall be prospective only, and shall not affect payments already made or due to such persons by the proper disbursing officers, in accordance with the civil-service rules in force at the time of such payments.

The following correspondence with the Secretary of the Treasury shows the efforts of the Commission in aid of securing the stoppage of the pay of persons illegally appointed:

"AUGUST 31, 1897.

"THE SECRETARY OF THE TREASURY.

"SIR: Under civil-service acts in New York, Massachusetts, Illinois, and in several cities whose charters embody systems of appointment through examination, checks are imposed upon the payment of salaries by comptrollers and auditing officers to persons appointed in violation of the rules governing the examinations. As a result of these provisions, illegal appointments and evasions of the law are there comparatively rare.

"The Illinois civil-service act, for instance, contains provisions on this subject as follows: Sections 29, 30, 31, and 32, in brief, forbid the payment of salary or wages by a comptroller or other auditing officer unless the officer or employee is occupying an office or place of employment according to the provisions of the law and is entitled to payment therefor. The city commissions established under the Illinois act are required to certify to the comptroller or other auditing officer all appointments to offices and places in the classified service, and all vacancies occurring therein, and all findings respecting discharges approved by the commission. Nominations to the Postmaster-General for appointment at post-offices are sent by messenger from the Post-Office Department to the Commission for check of approval before final action is taken by the Department. Under this system complaints of illegal appointments at post-offices have ceased.

"The complete success of the civil-service act depends upon the cooperation of all public officers in making appointments, promotions, and transfers under the methods provided by the civil-service law for those purposes. An absolute restriction upon the payment of any salary or compensation to a person appointed in evasion or violation of the law would be of the greatest aid in securing its enforcement. The Commission is of the opinion that under the seventh section of the civil-service act of January 16, 1883, no person can be lawfully paid from the public treasury who has not been appointed in conformity with the rules, for the reason that such appointments are prohibited, and are consequently illegal.

"If all disbursing officers would regard this statute and insist on evidence of legal appointment before making payment, there would soon be no cause for complaint of illegal or evasive appointments. The Commission hopes that the Secretary of the Treasury will take such action as will forbid the payment of salary or compensation by any disbursing officer to any person in the classified civil service unless evidence shall be furnished to such officer of the appointment of the person in conformity with the civil-service rules.

"The people at large, who must furnish all the means for the payment of the expenses of the Government, and whose rights are entitled to respect from their own servants, would then be fully protected against ingenious evasions or bolder violations of the law.

"The Commissioners will be in readiness at any time to confer with you respecting the adoption of measures looking to the establishment of some check upon the payment of salaries through the Treasury Department, the Comptroller, Auditors, and subordinate officials to persons illegally appointed.

"Very respectfully,

"WILLIAM G. RICE, *Acting President.*"

"TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,

"Washington, D. C., September 8, 1897.

"To the United States Civil Service Commission.

"GENTLEMEN: I have the honor to acknowledge receipt of your letter of the 31st ultimo, suggesting that measures be adopted by this Department looking to the establishment of some check upon the payment of salaries 'through the Treasury

Department, the Comptroller, Auditors, and subordinate officials to persons illegally appointed;’ also, that you will be in readiness at any time to confer with me upon said subject. In reply I have to state that under the present rules of this Department all salary vouchers and rolls are checked and approved by the appointment division before payment, each voucher and roll being carefully compared with the records of appointment. No payments are permitted or made of salary or compensation to any person in the civil service unless the records of the Department show that his or her appointment was made in strict conformity with the civil-service rules. It may be possible that there are persons in the employ of this Department whose appointments may prove, upon investigation, to be illegal. I know of no such cases.

“A ‘departmental service record’ is now being compiled, which will show how every officer, clerk, and employee entered the classified service. If, upon completion of this record, it shall be discovered that illegal appointments have been made, proper measures will be taken or recommended to either remedy defects in such appointments or to remove the appointees.

“In this connection permit me to call your attention to the fact that under date of July 25, 1896, the Comptroller of the Treasury decided that a compliance with the civil-service law has been treated by the accounting officers as one relating specifically to the various administrative departments, and that they have assumed that persons duly appointed to office or positions by the heads of the various Departments or others have been so appointed in accordance with the provisions of the civil-service law and regulations, and in the absence of specific information to the contrary they will treat all such appointments as having been so made, and allow credit for compensation paid to such persons.

“Respectfully, yours

“L. J. GAGE, *Secretary.*”

Following are extracts from the opinion of the Comptroller of the Treasury referred to in the letter of the Secretary:

“I would say that compliance with the civil-service law has been treated by the accounting officers as relating specifically to the various administrative departments and that they have assumed that persons duly appointed to office or positions by the heads of the various Departments or others have been so appointed in accordance with the provisions of the civil-service law and regulations; and in the absence of specific information to the contrary they will treat all such appointments as having been so made and allow credit for compensation paid to such persons.

\* \* \* \* \*

“Rule VIII, referred to, only authorizes such temporary appointments ‘subject to the approval of the Commission,’ and limits the time of such appointments to ninety days. Under this rule it seems quite clear that no payment could be made to the person employed thereunder until his appointment was approved by the ‘Commission, and in no event could payment continue for an employment exceeding ninety days.’”

In cases in which appointments appear to have been made in violation of the law or rules the Commission has requested the removal of the persons so appointed and addressed the Secretary of the Treasury requesting that the attention of the accounting officers be called to the appointments in order that such officers might have specific information that the persons were not appointed in accordance with the law. It has also recommended the reinstatement of all persons shown to have been improperly removed, and in two instances requested the removal of collectors of internal revenue for having violated the rules.

## LABORERS EMPLOYED AS CLERKS, ETC.

[See Civil Service Rule XIII.]

A persistent abuse which Executive orders have not been able to eradicate exists in the employment of persons nominally as laborers to do clerical work. This leads to a large increase in the number of laborers, out of proportion to the needs of the service for laborer work. At the same time the demand for laborer places for people who are really clerks is such that the real laboring force in the Department is reduced to the smallest proportions. This abuse leads to a seesaw. An order of the President of June 10, 1896, provided as follows:

All positions whose occupants are designated as laborers or workmen and who were prior to May 6, 1896, and are now, regularly assigned to work of the same grade as that performed by classified employees, shall be included within this classification. Hereafter no person who is appointed as a laborer or workman, without examination under the civil-service rules, shall be assigned to work of the same grade as that performed by classified employees.

Under this order the heads of Departments reported the number of laborers classified as follows:

State Department .....	7
Treasury Department .....	192
War Department .....	36
Department of Justice .....	2
Navy Department .....	34
Interior Department .....	96
Department of Agriculture .....	98
Civil Service Commission .....	2
Department of Labor .....	3
Fish Commission .....	15
Government Printing Office .....	10
Post-Office Department .....	28
Total .....	523

The condition prevailing in the Departments with respect to the employment of laborers on clerical work is explained in a letter written by the Secretary of the Interior to the Commission, under date of April 21, 1894, as follows:

I would particularly invite your attention to the fact that the condition of things set forth in these reports is in no wise new or peculiar to this administration. It has existed from the date of the civil-service law, and the number of persons involved is not materially, if at all, greater now than during the four years which ended March 3, 1893.

These employees have been thus engaged for several years, estimates for the force have been based upon the theory that no change will be made; and I would add that an efficient performance of the work required of the several offices, with the limited force at their command, render it almost imperative that these employees should continue the work they now do

Under the order of June 10, 1896, the Commission issued the following memorandum:

### MEMORANDUM ISSUED TO THE DEPARTMENTS RELATIVE TO THE CLASSIFICATION ORDER OF JUNE 10, 1896, IN REGARD TO LABORERS AND WORKMEN.

While in the opinion of the Commission the matter of interpreting and applying the Executive order of June 10 devolves upon the several Executive Departments, the Commission deems it proper to make a few suggestions in order that uniform action may be taken in enforcing the order. The object of the order may be stated as follows:

1. To classify all laborers or workmen regularly assigned to work of the same grade as that performed by classified employees.
2. To prohibit the assignment hereafter of unclassified laborers or workmen to work of the same grade as that performed by classified employees.

3. To require all vacancies in positions of classified laborers or workmen to be filled in accordance with the civil-service rules, through examination and certification by the Commission.

It may be stated that the Executive order of June 10 originated from the well-known fact that many employees borne on the rolls as laborers or workmen are performing clerical, watchman, messenger, or other work of a classified character. In this way an unclassified service, composed of employees engaged upon classified work, has been rapidly developing, in evasion of the civil-service law and rules. The Executive order referred to was issued for the purpose of correcting this evil and preventing further evasions of the law and rules.

The interpretation and application of the order depend chiefly upon the definition of the phrases "mere laborer or workman" and "regularly assigned." The phrase "mere laborer or workman," as used in the civil-service law and rules, has already been practically defined by the various Executive orders bringing into the classified service by designation almost every form of skilled labor and leaving nothing outside except the merest unskilled manual labor. This Executive order recognizes this fact, and directs that persons performing any duties pertaining to classified places shall be classified. By the phrase "regularly assigned" in the order the Commission understands that a laborer is classified if the work upon which he is regularly employed includes work of a classified character; but if his regular assignment does not include classified work he is unclassified, even though in exceptional cases he may be called upon to assist in the performance of work of a classified character.

As it would be contrary to the Executive order of June 10 hereafter to assign a laborer to classified work, the Commission understands it to be the intention of the Executive order in question to include in the classification all laborers who, at the date of said order, were assigned to work of a classified character, and who were similarly employed on May 6, 1896, when the revised civil-service rules were approved. A classified laborer may be required to do unclassified labor work, but an unclassified laborer can not hereafter be assigned to any classified duties.

The Commission understands that all laborers regularly assigned to classified work who are at this time declared by the head of a Department, in obedience to the Executive order, to be in the classified service, will thereby become classified, and all others will remain unclassified. The action of the head of a Department under its interpretation of the Executive order will be final. Vacancies in those places which are thereby classified can hereafter be filled only by certification from the appropriate registers of eligibles, and hereafter it will be unlawful to assign any unclassified laborer to any classified duties.

The Commission believes that if the Departments designate clearly by name those so-called laborers who become classified by the Executive order, and those who remain unclassified, the line will be so distinctly drawn that it will hereafter be clearly maintained, and there will be no repetition of the evil which has grown up in the absence of a specific rule to prevent it.

JOHN R. PROCTER, *President.*

JUNE 30, 1896.

Notwithstanding this interpretation of the order several of the heads of Departments asserted the right, upon the occurrence of a vacancy in the position of classified laborer, of employing a mere laborer, without examination, to fill the vacated place. It had been the hope of the Commission that the action of the heads of Departments in reporting certain positions as classified would be regarded as final and that thereafter such positions would be filled only upon examination, and that unclassified laborers would not be assigned to classified duties. It was expected that the Departments having designated by name those so-called laborers who became classified by the Executive order and those who remained unclassified, the line would be so distinctly drawn that thereafter it would be clearly maintained and that there would be little repetition of the evil which has grown up in the absence of a specific rule to prevent it. On this point, in a letter to the Commission, the Acting Secretary of the Treasury said:

This office is of the opinion that the assignment of a laborer to so-called classified work, resulting in his being designated as a classified laborer under the rules adopted May 6, 1896, does not result in classifying the place he occupies to such an extent that when he vacates the same it can only be filled by the process of certification. \* \* \* The distinction between skilled laborers and mere laborers is clearly drawn by Congress. Therefore when it was possible under the order of May 6, 1896, to extend the benefits of the civil-service law to a person originally employed as a



mere laborer, but who was then doing classified work, there could not be a permanent change in the official title by which his place was designated sufficient to outlive his employment, or to affect any place appropriated for under the title of "laborer." The act of January 16, 1883, did not contemplate the classification of mere laborers, and while an exigency undoubtedly existed in many cases, which resulted in the assignment of laborers to do clerical work, this office now finds that there is such a pressing necessity for laborers that the evident intent and purpose of Congress in appropriating pay for a certain number of mere laborers was to comply with the demand of the Department for such class of employees. When, therefore, a person now designated as a classified laborer vacates his or her position, the office will be compelled to employ a mere laborer to fill such vacated place, unless Congress shall otherwise direct.

The Executive order above quoted, however, provided that all positions of the class designated should be included within the classification. It was clearly the object of the order to require all vacancies in positions of classified laborers or workmen to be filled through examination.

From time to time information has been received by the Commission that persons employed on the rolls as laborers are actually employed as typewriters, copyists, and the like, and really do no kind of laboring work whatever. A large proportion of these persons are women. The pressure for place, being removed from positions covered by competitive examination, is concentrated upon those outside. These so-called laborer places below the classified service are the only ones which can now be obtained through influence, and the pressure for these places is in consequence very great. The only way to remedy this is to withdraw places of laborers from patronage and to fill them under the registration system, which has proved so admirable in filling places of laborers at navy-yards.

Since 1883, when the civil service law was enacted, there has been an increase of about 37 per cent in the number, and 43 per cent in the salaries, of the unclassified places, while *there has been a slight decrease* in the number of positions originally classified by the civil-service act, as well as a decrease in the appropriations for these positions. Practically all of the increase in the classified positions occurred before they were included in the classified service. The tendency toward increasing the number of unclassified positions, in evasion of the civil-service act, is not peculiar to the Federal service. The same abuses have been practiced in States where the merit system has been established.

Only those places which come within the terms of exclusion in the civil-service act should be regarded as below the classified service, and persons in those places should not be employed upon work other than that which strictly falls within those designations.

A classification to be genuine should be based upon the character of the work to be performed and not upon mere designation, which is often false in fact. The places in which work relating to the classified service is performed should be open to honest competitive examination, open to laborers in the Departments upon like terms with others, and the Commission is unwilling to recognize any experience or skill in mere laborers' places in connection with such an examination. If the work performed in any particular position is chiefly work which belongs to the classified service, then the position should be treated as within the classification, to be filled originally through examination under the civil-service rules.

One evil in the assignment of unclassified laborers to classified duty arises in the claim for promotion to the classified service by reason of experience and capability acquired in the outside class. The abuses in the appointment of laborers to clerical duty compelled the adoption of rules by Presidents Arthur, Cleveland, and Harrison, allowing promotions upon noncompetitive examinations from the unclassified to the classified service. Many of the people who were thus promoted from unclassified to classified places were people who had been originally appointed through personal influences, and who were not as competent as the average person appointed through competitive examination. Many failed outright in the promotion examinations, and some failed on second and third trials. As a whole, they were to a



marked extent of a lower intellectual grade than the persons who received appointment in the regular way. Many thus admitted to the classified service were not entitled to promotion on their merits. President Harrison, therefore, revoked the rule which allowed these promotions. Of course, in some instances, the rule worked well, but it generally worked ill, and the Commission stated in its annual report that the revocation of the rule was one of the best changes which had been made in recent years.

The following table shows the titles of positions reported to the Commission by the heads of Departments as coming within the classified service under the executive order of June 29, 1888, in the Departments at Washington. This list includes a number of positions which should not be regarded as laborer positions, and which should really come within the classified service; but, as a whole, the list contains probably all of the places which were classified in 1888, and which would be affected by the amendment referred to.\* It will be noticed that 535 of these positions are those of printers' assistants, operatives, and skilled helpers in the Bureau of Engraving and Printing. The last report of the Superintendent of the Bureau of Engraving and Printing shows that, notwithstanding the work of that Bureau has increased over 77 per cent, the force has only increased 11 per cent, a record in striking contrast with the condition prevailing in this branch of the Government service prior to its classification. (See p. 25, Thirteenth Report.)

House Document 202, Fifty-fourth Congress, contains a complete statement of the positions in the civil service on June 30, 1896, classified and unclassified, with their compensation by grades and classes and their status under the civil-service rules. The list, however, does not distinguish between the positions which were brought into the classified service on May 6, 1896, and those which were classified prior to that time. An examination of the list, however, will, so far as the designations are concerned, show how numerous are the titles of positions approaching the border line between labor and the higher places. In this list, wherever the title of laborer is followed by the word "classified," it indicates that the duties of the position are not those of a mere laborer, but involve clerical, messenger, watchman, or other duties of a skilled character, requiring classification. Undoubtedly there may be many positions of laborers and workmen reported by the Departments as classified, respecting which there may be a good deal of doubt as to whether the duties are such as to bring them properly within the classified service.

In May, 1898, a member of Congress made complaint to the Commission of the assignment of a certain woman, borne on the rolls of the Patent Office as an unclassified laborer, as a typewriter. This complaint was communicated to the Secretary of the Interior, who replied as follows: "I do not consider it necessary to investigate such a trivial charge." On May 20 the Commission again wrote to the Secretary, stating that it would regret exceedingly to be obliged to communicate his response to the member who made the complaint, and added:

The member has announced his purpose to see that the order of the President in this regard is enforced, and it is the duty of this Commission to investigate the facts. \* \* \* The evil of employing unclassified laborers in clerical work has

* Elevator conductor .....	1	Binders .....	6
Skilled laborers.....	109	Operatives .....	230
Money-order assorters .....	25	Skilled helpers.....	87
Engineers .....	9	Printers' assistants .....	218
Firemen .....	12	Electrotypist and photographer .....	1
Compositor and pressman .....	1	Helpers .....	4
Pressmen.....	8	Plate printers .....	4
Feeders.....	8	Skilled artisans .....	4
Separators.....	8	Forage master.....	1
Paper counters .....	25	Warehousemen .....	3
Paper cutter.....	1	Shipper .....	1
Mail messenger.....	1	Chief mechanic .....	1
Provers.....	2	Assistant engineers.....	4
Plate cleaners .....	3	Foreman of laborers .....	1
Hardener.....	1	Engravers or transferers .....	15
Oil burner.....	1	Model attendants .....	15
Plumber .....	1		
Carpenters .....	3		
Machinists .....	8	Total.....	820

been the subject of consideration, and orders by Presidents Arthur, Cleveland, and Harrison. The continuation of the evil naturally led to a large and unnecessary increase in the appropriations for unclassified employees. In a letter of June 7, 1896, President Cleveland, after stating that the matter of permitting laborers to do clerical work had been considered by the Cabinet, said: "I think now, however, that the proposed classification deals with the matter as well as possible." The order of classification to which the President referred was that no person who might be employed merely as a laborer or workman should be assigned to clerical duty. The existing Executive order slightly modifies this language, and forbids the assignment of a laborer or workman to work of the same grade as that performed by classified employees. The assignment to do typewriting of a person appointed as a laborer is in violation of the order of the President. \* \* \*

Under date of October 27 the Secretary of the Interior said in reply that the appropriation acts for the current year provided a number of additional laborers and other positions for the several offices. Twelve of the appointments in question were made directly to these original vacancies, viz, 7 in the Pension Office, 3 in the Patent Office, 1 in the General Land Office, and 1 on the roll for the care and preservation of census records. Ten in the Patent Office were appointed to positions which became available through promoting the occupants to or in connection with original vacancies. The remaining 9 (8 in the Patent Office and 1 in the Land Office) were appointed to vacancies which became available in the usual course of events—6 by promotion, 2 by resignation, and 1 by dismissal. One reported for the Pension Office declined appointment. He further stated that in the Patent Office, owing to the rapid growth in the volume of scientific work demanded by the office beyond the provision made by Congress for its proper performance, a strict observance of the rule had never been found practicable. Employees in the list belonging to other offices were, with one exception, generally engaged in laborer work, though several were often called on for messenger service. From this letter it will be observed that the Department knew when it made the appointments that the persons would be assigned to the duties of classified positions contrary to the President's order, and it should therefore have filled such places by certification from the registers of eligibles, as the order required.

At the post-office at Albany, N. Y., it was found that a woman had been appointed on July 1, at \$700 per annum, without examination, and assigned to the duty of seeing that the rooms occupied as offices by the postmaster and assistant postmaster were cared for in the proper manner, and also that the space on the main floor, much of which was used by the public, was kept clean. She was not expected to do much of the actual cleaning herself, there being two laborers or cleaners who did the rough part of the work as she directed. It was stated that she had been assigned in an emergency to transcribing the time of arrival and departure of letter carriers, on account of an order from the Postmaster-General that this work should be brought up at once, and there was no one else connected with the office who could give it the time. Her connection with it was expected to cease as soon as the work was made current. Inquiry showed that her duties as supervisor of cleaning were of an extremely slight character. From the amount of her salary—\$700 a year—it seemed that she must be expected to perform work of a more important character than that to which she had been nominally assigned, and that there would be a temptation to assign her to work of a classified nature. The Commission suggested this view of the matter to the Postmaster-General, at the same time stating that it did not wish to be understood as in any way expressing an opinion in the matter further than to call attention to the order forbidding the assignment of laborers to classified work.

On July 5, 1899, the Post-Office Department requested the transfer of the employee referred to from clerk in the Catskill, N. Y., post-office, at \$500 per annum, to a similar position in the Albany, N. Y., post-office. She appears to have been appointed in the post-office at Catskill on June 22, 1899, without examination (this post-office not being included at the time in the classified civil service) and brought into the classified service by the establishment of free delivery on July 1, 1899—eight days later.

## WITHDRAWAL OF POSITIONS FROM CLASSIFICATION.

In several branches of the service positions of classified laborers have been withdrawn from classification by the heads of departments and the positions filled without examination. In the custodian and janitor service of the public buildings throughout the country about ninety of such changes have been made. The Secretary of the Treasury on October 31, 1898, in explanation of these changes, said:

At the time of preparation for the classification of the employees in the assistant custodian and janitor service a statement was called for by the Secretary of the Treasury and furnished from each custodian, giving the names, designations, compensations, etc., and the specific duties performed by each member of the service in each public building. On the basis of the statements thus furnished all persons in the assistant custodian and janitor service of the Treasury Department serving under the designations of janitor, fireman, watchman, watchman-fireman, and watchman-laborer were reported to the Civil Service Commission by this Department as classified employees, under the Executive order of May 6, 1896.

It appears, however, from further investigation that the persons serving under the above designations in all of the smaller public buildings were at the time of the order of classification performing the duties of mere laborer, and should have been so reported. In these smaller buildings, the custodian, who is generally a Presidential appointee, acts as janitor; that is, gives personal attention to the care of the buildings and the persons thus serving under the designation of janitor, fireman, etc., are mere laborers to all intents and purposes, and should be designated and paid as such.

In the cases cited the Department sought by abolishing the positions under the old designations, and creating new ones under the designation of laborer, to accomplish a saving of expenditure and to bring designations into harmony with the duties performed.

The civil-service act, section 7, excluded from classification "any person merely employed as a laborer or workman."

The position taken by the Commission on requests from the Departments for the withdrawal from the classified service of positions theretofore reported as classified is shown in the following extract from its minutes in the case of a laborer in the Post-Office Department:

The Commission finds that this position is one created and appropriated for by Congress as that of a mere laborer, and therefore such a position as is expressly excluded from classification by the terms of the civil service act, provided, of course, its occupant performs only the duties of this position, that is, of mere laborer. While occupying this position Mr. Talbott was brought into the classified service in pursuance of the direction of the President that all positions whose occupants are designated as laborers or workmen, but who, prior to May 6, 1896, and at that time, were regularly assigned to the performance of classified duty, should be classified. This was a case where the employee was classified in pursuance of this direction of the President, because of the fact that he was performing classified duty, although at the time borne on the rolls in a position of mere laborer. When a person is thus classified, the position of mere laborer which he holds at the time becomes also classified, but only by virtue of the person's classification, and not by virtue of the duties of the position itself. The status in the classified service of this kind of position is entirely different from that of a position (for example, clerk, messenger, page, etc.,) which is classified but only by virtue of its designation and natural duties, and entirely independent of and without reference to the person holding it. This latter kind of position being classified by virtue of its designation and natural duties, can not be removed from the classified service unless by order of Congress or the President. On the other hand, a position of mere laborer which becomes classified, as shown above, merely by reason of the classification of the person filling it, has no status in the classified service independent of its occupant; therefore whenever any such position which has thus been classified becomes regularly vacant, it is within the option of the Department whether the position shall be treated as continuing in the classified service, or as in the unclassified service, provided, of course, that if treated as in the unclassified service and appointment accordingly made thereto without compliance with the civil-service law and rules, the person appointed shall not be assigned to the performance of any classified duty; and that if treated as continuing in the classified service the position must be filled in compliance with the civil-service law and rules.

Assuming that the position in question in the Post-Office Department is one created and appropriated for by Congress as that of mere laborer, and that it has now become vacant, the request of the Department for authority to now treat the position as in the unclassified service will be granted.

## APPOINTMENTS WITHOUT EXAMINATION UNDER THE EXIGENCY OF THE WAR WITH SPAIN.

The urgent deficiency bill approved July 7, 1898, contained the following provision:

### WAR DEPARTMENT.

The temporary force authorized by this section of this act and the clerical force and other employees appropriated for in the act to provide ways and means to meet war expenditures, and for other purposes, approved June thirteenth, eighteen hundred and ninety-eight, and the act making appropriations to supply deficiencies in the appropriations for the payment of pensions and for other objects for the fiscal year eighteen hundred and ninety-eight, and for other purposes, approved May thirty-first, eighteen hundred and ninety-eight, shall be appointed for a term not exceeding one year, as authorized, respectively, without compliance with the conditions prescribed by the act entitled "An act to regulate and improve the civil service," approved January sixteenth, eighteen hundred and eighty-three.

The first section of the act above quoted is as follows:

For the employment of such additional temporary force of clerks, messengers, laborers, and other assistants as in the judgment of the Secretary of War may be proper and necessary to the prompt, efficient, and accurate dispatch of official business in the War Department and its bureaus, to be allotted by the Secretary of War to such bureaus and offices as the exigencies of the existing situation may demand, for the six months beginning July first, eighteen hundred and ninety-eight, two hundred and seven thousand dollars.

The clause of the act of June 13, 1898, for the employment of additional force in the collection of internal revenue is as follows:

And for the expense connected with the assessment and collection of the taxes provided by this act there is hereby appropriated the sum of one hundred thousand dollars, or so much thereof as may be required, out of any moneys in the Treasury not otherwise appropriated, for the employment of such deputy collectors and other employes in the several collection districts in the United States, and such clerks and employes in the Bureau of Internal Revenue as may, in the discretion of the Commissioner of Internal Revenue, be necessary for a period not exceeding one year, to be compensated for their services by such allowances as shall be made by the Secretary of the Treasury, upon the recommendation of the Commissioner of Internal Revenue. And the Commissioner of Internal Revenue is authorized to employ ten agents, to be known and designated as internal-revenue agents, in addition to the number now authorized in section thirty-one hundred and fifty-two of the Revised Statutes as amended, and the existing provisions of law in all other respects shall apply to the duties, compensation, and expenses of such agents.

The provisions of the deficiency appropriation act of May 31, 1898, under which temporary appointments are allowed are as follows:

### NAVY DEPARTMENT.

For one stenographer in the office of the Secretary of the Navy, from the date of the approval of this act and during the fiscal year eighteen hundred and ninety-nine, at the rate of one thousand eight hundred dollars per annum, one thousand nine hundred and ninety-seven dollars and seventy-five cents, or so much thereof as may be necessary.

### TREASURY DEPARTMENT.

For the following additional clerks in the office of the Auditor for the War Department and in the office of the Auditor for the Navy Department for a period not exceeding from the date of the approval of this act until and including March thirty-first, eighteen hundred and ninety-nine, namely:

**OFFICE OF AUDITOR FOR THE WAR DEPARTMENT:** For eight clerks of class four, seventeen clerks of class three, ten clerks of class two, and thirty clerks of class one; in all, seventy-eight thousand seven hundred and sixty-six dollars and thirty-two cents, or so much thereof as may be necessary.

**OFFICE OF AUDITOR FOR THE NAVY DEPARTMENT:** For two clerks of class three, three clerks of class two, four clerks of class one, six clerks at the rate of one thousand dollars per annum each, and four clerks at the rate of nine hundred dollars each; in all, eighteen thousand seven hundred and forty-five dollars and seventy-two cents, or so much thereof as may be necessary.



## EXECUTIVE.

**EXECUTIVE OFFICE:** For the following additional clerks commencing June first, eighteen hundred and ninety-eight, and continuing during the fiscal year eighteen hundred and ninety-nine, namely: Two clerks of class three, three thousand four hundred and sixty-six dollars and sixty cents, or so much thereof as may be necessary.

The history of this legislation is as follows:

On May 9, 1898, a communication from the Secretary of War was laid before the Senate, transmitting a letter from the Commissary-General of Subsistence calling attention to the necessity of suspending that clause in the Army appropriation act of March 15, 1898, which limits the expenditure in the Subsistence Department for "compensation of civilians" in that department to an amount "not exceeding one hundred thousand dollars" for the fiscal year 1899, and requesting, in view of the fact that the civil employees and officers of the Subsistence Department at large are within military jurisdiction in time of war, that they be withdrawn from all operation of the civil-service act of 1883, and of the rules in force thereunder. The letter in question was referred to the Committee on Appropriations and ordered to be printed.

A similar communication was transmitted to the House of Representatives on the same day by the Assistant Secretary of War. This was referred to the Committee on Military Affairs.

On May 11, two days later, a communication from the Secretary of War was presented in each House, requesting that that part of the Department's letter of the 6th touching the question of the withdrawal of civilian employees from the operation of the civil-service act be withdrawn from consideration, and that it be stricken from the official records. No subsequent communication on this subject was transmitted directly by the Secretary of War to either House.

On May 25 the Senate took up the bill (H. R. 10378) making appropriations to supply deficiencies in the appropriations for the fiscal year 1898. One of the clauses of this bill was as follows:

For the temporary employment of such additional force of clerks, messengers, laborers, and other assistants as in the judgment of the Secretary of War may be proper and necessary to the prompt, efficient, and accurate dispatch of official business in the War Department and its bureaus, to be allotted by the Secretary of War to such bureaus and offices as the exigencies of the existing situation may demand, fifty thousand dollars.

Mr. Wilson, of Washington, brought about a brief debate by contending that the use of the word "temporary" in the clause in question was intended to except all clerks and others to be employed from the civil-service classification. He objected to this exception on the ground that similar exception had not been allowed in the case of the Treasury Department. It was pointed out to him, however, by Senator Hale, who had reported the bill from the Appropriations Committee, and by Senator Cockrell, also of the committee, that the language did not "directly or indirectly affect (the status of those employees in the) civil service in any shape, manner, or form." It was clearly intended that, although temporary in their character, these employees should continue subject to all the rules governing the civil service.

On May 26 the urgent deficiency bill came up in the House, and the same clause and language were debated. It seemed to be the impression of Mr. Cannon, who had the bill in charge, that the language employed would exempt the positions in question from classification. In the course of the debate he said:

This is a temporary matter. These clerks are to go on duty. War is upon us, and we need them at once—to-day. We do not have the time to ask the Civil Service Commission to certify, to hold examinations, and wait. We want these people for a little work temporarily, and we do not think we ought to stop the mobilization of the troops to enable the Civil Service Commission to perform.

It was pointed out by Mr. Underwood and others that there were a large number of eligibles on the list subject to immediate call, and that moreover a number of experienced clerks had been removed in the War Department during the preceding six months as a result of the reduction of force, and that these men might be reemployed at once if necessary, and the Department be given the benefit of their special train-

ing. It developed, as the discussion continued, just as it had in the Senate, that the language employed would not operate to exempt the new positions to be created, and the clause was passed after a division and a vote of yeas 73, nays 59.

On June 1 a communication from the Quartermaster-General was placed before the House asking permission to employ an additional number of quartermaster-sergeants at military posts for assignment to the duties of storekeepers and clerks in lieu of citizen employees. It was pointed out that as these officers are taken from among the sergeants already in the Army, after competitive examination, and paid at the rate of \$34 per month, their substitution for civilian clerks at \$1,000 per year was an advantage to the Government. Later on Congress granted this request, thereby virtually suspending the operation of the civil-service rules in the case of civilian employees at military posts outside of Washington.

On June 9 the war-revenue bill was passed. No attempt was made in committee or during the debate in either House to exempt from classification the additional employees required to carry its provisions into effect.

On June 20, during the continuation of the consideration of the urgent deficiency bill in the House, Mr. Cannon moved the incorporation of the following clause:

The temporary force authorized by this section of this act and the clerical force and other employees appropriated for in the act to provide ways and means to meet war expenditures, and for other purposes, approved June 13, 1898, and the act making appropriations to supply deficiencies in the appropriations for the payment of pensions, and for other objects, for the fiscal year 1898, and for other purposes, approved May 31, 1898, shall be appointed for a term not exceeding one year, as authorized, respectively, without compliance with the conditions prescribed by the act entitled "An act to regulate and improve the civil service," approved January 16, 1883.

In response to questions from various members, Mr. Cannon explained that the number of employees whose services might be required for emergency work, and who would be excepted from examination under this clause, was indefinite, but that it would not be large, 25 or 30, all told, being all that would be required in the Internal Revenue Department. He also stated that the Appropriations Committee on investigation had found that "it was not practicable to call into motion the machinery of the Civil Service Commission for the purpose of making these appointments," and that that machinery could not be invoked without damage to the Commission itself and damage to the so-called civil-service reform, because it is not adapted to the employment of emergency or temporary people. When asked whether the Department had recommended that these clerks should be selected without examination, he replied that "the Commissioner of Internal Revenue was very clear in his response; and in addition to what he said, the Deputy Commissioner of Internal Revenue was equally clear \* \* \* that it was not practicable, with the law going into effect at once, to get the force under the civil-service rules." He did not state whether the Civil Service Commission had been asked for any report or recommendations on the subject. The bill was passed without further objection.

On June 28 the urgent deficiency bill was amended by the incorporation of the following sections:

War Department, to increase the appropriation for the employment of such additional temporary force of clerks, messengers, etc., from \$120,090 to \$207,000.

For such additional temporary force in the Internal-Revenue Service as, in the judgment of the Commissioner of Internal Revenue, may be necessary to carry into effect the act "to provide ways and means to meet war expenditures, and for other purposes;" the office force in the Internal-Revenue Bureau to be appointed by the Secretary of the Treasury, on the recommendation of the Commissioner of Internal Revenue; and internal-revenue agents and deputy collectors of internal revenue paid from this appropriation shall be selected and appointed, respectively, under the provisions of section 3152 and section 3148 of the Revised Statutes, to be available from the date of the approval of the foregoing act, and to continue available during the fiscal year 1899, \$500,000.

It will thus be seen that although it was announced that few appointments would be necessary under the emergency legislation, special appropriations of \$207,000 for the War Department and \$500,000 for the Treasury Department were made to cover the payment of salaries.



APPOINTMENTS IN THE WAR AND TREASURY DEPARTMENTS.

The following table shows the number of appointments made in the Internal Revenue Bureau and in the offices of the Auditors for the War and Navy Departments under this legislation. From this table it appears that in the office of the Auditor for the War Department, nearly all of the higher salaried places were filled by transfer or promotion from the classified grades. In the office of the Auditor for the Navy Department the appointments were about equally divided between transfers and direct appointments from the outside. In both the Auditors' offices many of the appointments made from the outside were of people whose clerical abilities had been fully tested in connection with the bond issue, and all of these were required to pass an examination about equal to the clerk examination. In the Internal-Revenue Service, however, it will be seen that all of the graded appointments were made from the outside, and none by transfer from the regular rolls of the office. None of the persons so appointed in the Internal-Revenue Service was examined. While appointments in the Auditors' offices were made after examination, they were not competitive.

Office.	Designation.	Compensation.							
		\$2,000.	\$1,800.	\$1,600.	\$1,400.	\$1,200.	\$1,000.	\$900.	\$660.
Internal Revenue .....	Law clerk .....	1							
	Clerks .....		3	2	4	12	6	25	
	Laborers .....								10
Auditor for War Department.	Clerks .....		8	17	10	30			
Auditor for Navy Department.				2	3	4	6	4	
Total by Departments.		1	11	21	27	46	12	29	10
Internal-Revenue Service at large.	Stamp agents .....			36					
	Counters .....							35	
Total Internal Revenue at large				36				35	

Office.	Designation.	By transfer.						
		\$1,800.	\$1,600.	\$1,400.	\$1,200.	\$1,000.	\$900.	\$660.
Auditor for War Department.	Clerk .....	6	14	8	9			4
			1	2	1	4		
Auditor for Navy Department.								
Total .....		6	15	10	10	4		4

Office.	Designation.	By appointment.							
		\$2,000.	\$1,800.	\$1,600.	\$1,400.	\$1,200.	\$1,000.	\$900.	\$660.
Internal revenue .....	Law clerk .....	1							
	Clerks .....		3	2	4	12	6	25	
	Laborers .....								6
Auditor for War Department.	Clerks .....		2	3	2	21			
Auditor for Navy Department.				1	1	3	2		
Total by Departments.		1	5	6	7	36	8	25	6
Internal Revenue Service at large.	Stamp agents .....			36					
	Counters .....							35	
Total Internal Revenue at large.				36				35	

In the Internal-Revenue Service at large there were 71 appointments under the urgent deficiency bill to positions of stamp agents and counters. These positions were all filled from the outside. In connection with the bond issue about 600 persons were employed in the Treasury Department without examination under the civil-service rules. During the present Administration, up to and including September 30, 1898, there have been 14 appointments made in the Treasury Department upon examination under the civil-service rules, exclusive of the Bureau of Engraving and Printing. For the like period under the previous Administration 28 appointments were made. Vacancies in nearly all the ordinary clerical places in the classified service under the present Administration have been filled by reinstatements, chiefly of veterans. The statistics respecting these reinstatements will be found on pages 672, 673.

Five hundred and eighty appointments were made without examination in the War Department at Washington and probably 2,000 in the field service of the War Department. As against these appointments without examination since April 1, 1898, we have in the Treasury Department, exclusive of the Bureau of Engraving and Printing, 8 appointments upon examination under the civil-service rules and 13 in the War Department, 11 of which were permanent and 2 temporary. This is exclusive of the minor mechanical positions in the Bureau of Engraving and Printing. At the time of this legislation in June allowing temporary appointments without examination there were ample registers of eligibles from which at least most of the positions in question could have been readily filled without delay, in fact, with far less delay than by any other means. The eligibles on the registers had been tested as to their character and capacity, and it was only necessary to make selections from the papers, regard being had to the facts disclosed in the papers respecting age, education, business experience, etc., and then to write or telegraph offering the appointment.

In past years one of the Commission's force has often gone to a department with a bundle of papers and a hundred or more appointments have been made from them in a few hours. What simpler or more expeditious process could be devised? It was not necessary to talk with the applicants or their friends or to weigh recommendations. The work of inquiring into the fitness of the applicants had already been done by the thorough machinery of the Commission, and nothing remained but to make their appointment. About this same period a number of temporary vacancies occasioned by the exigencies of the war were filled from the registers of eligibles, and not the least embarrassment or delay occurred and no complaint was made by any one of the departments. It often happens that a department telephones or sends to the Commission for names to fill places outside the rules temporarily in order to get people quickly. Experienced officials in the departments prefer to make appointments from the registers rather than from the outside, even where the civil-service act does not apply. Many of the temporary appointments in the Engineer Department at large and at navy-yards have been made with entire satisfaction from the registers.

During the year ended June 30, 1897, twice as many persons were examined for the departmental service as during any like period in the history of the Commission. The number examined was 12,098, and of this number 6,834 obtained an eligible grade. Not only were most of these eligibles available, but also a large number were available remaining over from the examinations from the previous year. At no time in the history of the Commission has there been any lack of eligibles for positions requiring ordinary clerical qualifications. The number of eligibles of this class has always been largely in excess of the needs of the service. It is needless to say that these eligibles are a much superior class of persons than can be secured outside of the competitive system. While of course the fact that the employment would only be temporary would deter some persons from accepting, the experience of the Commission shows that little inconvenience would have resulted in this respect.

A further advantage would have been in the appointment of a large proportion of persons having a legal residence outside of the District of Columbia. Many eligibles on the registers, while claiming a legal residence elsewhere, have a post-office address in Washington. Many applicants come to this city to avail themselves of the educational facilities in the professional schools which have evening sessions. It would take a good deal of time to ascertain the exact number of eligibles living in Washington, but it is certain that no delay would have been experienced in filling nearly if not all the positions in question from the registers of eligibles.

It is a misconception that it requires red tape, delay, and circumlocution to set the machinery of the Commission in motion. Any other way of securing eligibles involves many times the amount of time and labor that is required in choosing eligibles from the papers submitted by the Commission. Hundreds of appointments can be made from the registers in a few hours, and it only remains to send a printed letter of appointment to each of the persons chosen.

In the debate on the subject in the House it was stated that when a Department needs eighteen temporary clerks the Commission breaks down. The records of the Commission will show that several times that number of appointments have been made in a single day, to the entire satisfaction of the Department concerned. It was also stated that "the machinery of the Commission could not have been invoked without damage to the Commission itself, and to the so-called civil-service reform." This is the first intimation that the Commission has had that any damage in the past has come from many thousands of temporary appointments that have been made from the registers. In fact, every such appointment is an argument for the merit system. During several years the Railway Mail Service voluntarily made temporary appointments of weighers from the registers of eligibles. The employment of these weighers continued for about three months in a year. The following letter was written to the Commission on this subject:

POST-OFFICE DEPARTMENT,  
OFFICE OF THE SECOND ASSISTANT POSTMASTER-GENERAL,  
*Washington, D. C., May 31, 1894.*

GENTLEMEN: I have had occasion recently to travel throughout the South and West in connection with the reweighing of the railroad mails in the territory west and south of the State of Missouri, and it is proper you should know that the appointment of weighers from those upon the civil-service Railway Mail Service eligible list has been a decided success—so much so that the opinion is general that the new system should be permanently enforced.

Yours, respectfully,

J. LOWRIE BELL,  
*Second Assistant Postmaster-General.*

CIVIL SERVICE COMMISSION,  
*Washington, D. C.*

The temporary force of extra compositors in the Government Printing Office is appointed each year during the session of Congress from the registers of eligibles, a hundred or more being usually appointed in a day. One hundred and fifty regular compositors were appointed in one day. No complaint has been made of any delay or embarrassment in obtaining this force from the register. Recently 63 regular compositors were selected from the register in two hours.

As already stated, the registers of eligibles were ample for filling the positions in question. If they had not been, special examinations could have been ordered and the papers marked within a very brief period. The only delay would have been in the time proper to be allowed for applicants to make application. This could have been very brief, because there were already a large number of applications on file from persons waiting examination. The marking could have been done in a single day, and the further delay would have been only such as the Department found necessary in making selections from the papers submitted.

In one day more than 300 certifications and appointments of clerks were made in the War Department, in 1890, when the force was increased under the pension law that year. In all over 600 appointments were made in the War Department and

Pension Office, about half of which were of eligibles from the Southern States, thus bringing up the quotas of those States. This large number of appointments from the South was made under a Republican Administration. One hundred and fifty pension examiners have been appointed in a day from the special register.

If inquiry had been made of the Commission respecting its resources for filling the places in question, complete evidence could have been presented to show that abundant material of the best kind was instantly available.

Where inefficient persons are appointed to classified positions without previous recourse to the Commission's registers of eligibles, upon the plea of immediate necessity, the Commission is only too frequently made the object of unjust criticism by those who are not familiar with all the facts. It is inferred that the occupant of a classified competitive position obtained such position through examination and certification, and when he shows himself lacking in a knowledge of the elementary technical requirements of his position, the Commission's methods of determining fitness in this regard are sharply criticised and its system of examinations brought into disrepute.

Instances sometimes arise where statements not intended in criticism are made by persons cognizant of the facts which yet may be improperly construed by those not cognizant.

The following correspondence between the Commission and the Signal Office, War Department, illustrates the Commission's position:

DECEMBER 12, 1898.

Gen. A. W. GREELY,  
*Chief Signal Officer, War Department.*

SIR: In your last annual report the Commission observes the following statements:  
" \* \* \* the chief signal officer, working alone for nearly two months without a skilled assistant in his office, so that field operations might not later suffer for want of competent signal officers with the newly organized corps \* \* \*

"The library force should be placed on a permanent and satisfactory footing. While the library has increased 40 per cent by the devolving on the library the distribution of public documents, the library force has only one regular clerk. No less than twenty employees have been assigned to the office during the year. While these clerks have, almost without exception, been faithful, yet their lack of library knowledge was such that in most cases they have been actually a drawback in the work in hand."

The Commission would beg to point out—

1. That it has registers of persons who have been examined in subjects related to the work of your bureau, and where any of these registers is lacking it is prepared on brief notice to supply persons of adequate qualifications.

2. That Congress has established this Commission to aid appointing officers in securing well qualified persons for public employment. In pursuance of the design of the law this Commission makes it a special study to provide through competitive examinations the most competent persons, irrespective of all other considerations, who can be secured for the public work.

As this Commission is in a measure responsible for the enforcement of the non-partisan system of appointments it observes with regret these statements in your report, as it would appear to indicate that it was not possible to secure persons of adequate qualifications and the special experience needed. It feels obliged to point out that no inquiry was made from any official quarter whether the Commission had suitable eligibles, before resort was had to appointments of persons who had not been examined. Such statements in an official report, unexplained, would be calculated to produce a public impression injurious to the competitive system intended by the civil-service act. The Commission feels assured that you would not desire an impression to be spread abroad that the civil-service law did not provide the means by which you could promptly and readily secure signalists, telegraphers, and library clerks, but that a public officer was obliged to go altogether without suitable persons or else to employ raw and untrained clerks. The experience of the Commission shows that the best results have been obtained where the examinations are applied to positions such as those to which you refer, requiring expert or professional ability. For this class of positions the results of competition are more accurate than for places requiring only ordinary clerical ability.

Very respectfully,

JOHN R. PROCTER, *President.*

The reply of the Chief Signal Officer was as follows:

DEAR SIR: In acknowledging your letter of December 12 the Chief Signal Officer has to express his regret that after mature consideration he finds it impossible to answer the communication fully. In addition, the situation is such that he does not feel justified in expressing any opinion on the merits of the case or the condition of affairs mentioned therein.

The selection and appointment of the emergency clerks and employees in the War Department is a duty that devolves entirely upon the Assistant Secretary of War, with whom communication must necessarily be had if the merits of the case are to be determined. The duty of the Chief Signal Officer was to ask for a clerical force, and later to utilize as best he could those ordered to duty with him by his superiors.

Appreciating the efforts of your Commission to improve the civil service and secure competent employees permanently in the public service, I am,

Yours, truly,

A. W. GREELY,  
*Brigadier-General, Chief Signal Officer, U. S. A.*

HON. JOHN R. PROCTER,  
*President United States Civil Service Commission, Washington, D. C.*

It is not possible to get figures showing the number of appointments made under the regular appropriation and deficiency acts passed at the third session of the Fifty-fifth Congress. The statistics which have been given include only appointments made under the acts previously quoted. The following shows the legislation of the third session of the Fifty-fifth Congress on this subject, and shows how out-reaching the matter of appointments without examination has become in results.

The urgent deficiency bill of January 5, 1899, contained the following provision for appointments for the year ending June 30, 1899:

#### WAR DEPARTMENT.

For the employment of such additional temporary force of clerks, messengers, laborers, and other assistants as in the judgment of the Secretary of War may be proper and necessary to the prompt, efficient, and accurate dispatch of official business in the War Department and its bureaus, to be allotted by the Secretary of War to such bureaus and offices as the exigencies of the needs of the service may demand, three hundred thousand dollars.

The legislative, executive, and judicial appropriation act of February 24, 1899, made provision for additional and temporary forces as follows:

#### OFFICE OF THE AUDITOR FOR THE WAR DEPARTMENT.

For the following additional force from April first, eighteen hundred and ninety-nine, until March thirty-first, nineteen hundred, inclusive, rendered necessary because of the increased work incident to the war with Spain: Eight clerks of class 4; seventeen clerks of class 3; ten clerks of class 2; thirty clerks of class 1; ten clerks at one thousand dollars each; ten clerks at nine hundred dollars each, and three laborers; in all, one hundred and twelve thousand and eighty dollars.

For the temporary employment of additional clerks and messengers, in the discretion of the Secretary of the Treasury, as may be required in the office of the Auditor for the War Department for the prompt and efficient examination and auditing of the accounts of revenue collected and disbursed by military authorities in the West India Islands occupied by the United States forces, twenty-five thousand dollars, to be available from and after April first, eighteen hundred and ninety-nine: *Provided*, That the Secretary of the Treasury shall, on the first Monday in January, nineteen hundred, report to Congress the number of persons employed and the amount paid to each under this appropriation.

#### OFFICE OF THE AUDITOR FOR THE NAVY DEPARTMENT.

For the following additional force from April first, eighteen hundred and ninety-nine, until March thirty-first, nineteen hundred, inclusive, rendered necessary because of the increased work incident to the war with Spain: Two clerks of class 3; three clerks of class 2; four clerks of class 1; six clerks at one thousand dollars each; and four clerks at nine hundred dollars each; in all, twenty-one thousand eight hundred dollars.



## OFFICE OF THE AUDITOR FOR THE POST-OFFICE DEPARTMENT.

For additional force for bringing up work of assorting and checking money orders one year or more in arrears, and for increased business, namely: For five clerks of class 4; four clerks of class 3; five clerks of class 2; eight clerks of class 1; twelve clerks at one thousand dollars each; and five clerks at nine hundred dollars each; in all, forty-eight thousand five hundred dollars.

## OFFICE OF THE REGISTER OF THE TREASURY.

For the following additional force from April first, eighteen hundred and ninety-nine, until March thirty-first, nineteen hundred, inclusive, rendered necessary because of the increased work incident to the war with Spain: Three clerks of class 1, and three clerks at one thousand dollars each; in all, six thousand six hundred dollars.

## COLLECTING INTERNAL REVENUE.

For additional clerks and other employees in the office of the Commissioner of Internal Revenue and for salaries and expenses of increased force of deputy collectors, rendered necessary by the act of June thirteenth, eighteen hundred and ninety-eight, providing for war expenditures, and for other purposes, and for salaries and expenses of ten additional agents provided for in section three, and the twenty additional clerks and agents provided for in section forty-seven of said act of June thirteenth, eighteen hundred and ninety-eight, six hundred and fifty thousand dollars.

## WAR DEPARTMENT, OFFICE OF THE SECRETARY.

For the employment during the nine months beginning July first, eighteen hundred and ninety-nine, of such additional temporary force of clerks, messengers, laborers, and other assistants as in the judgment of the Secretary of War may be proper and necessary to the prompt, efficient, and accurate dispatch of official business in the War Department and its bureaus, to be allotted to the Secretary of War to such bureaus and offices as the exigencies of the needs of the service may demand, four hundred and fifty thousand dollars. Persons in the classified service of the Government shall not be eligible to appointment under this appropriation, or to be transferred from any position in the classified service to positions paid hereunder; and any appointments or employments heretofore so made and payable from appropriations of this character for additional employees rendered necessary because of the increased work incident to the war with Spain shall be vacated on or before July first, eighteen hundred and ninety-nine.

Section 3 of this act which extends the temporary appointments made under previous acts is as follows:

That the term of temporary service of such additional clerks and other employees rendered necessary because of the increased work incident to the war with Spain, who have been appointed in the various Departments of the Government under the provisions of "An act making appropriation to supply deficiencies in the appropriation for the fiscal year ending June thirtieth, eighteen hundred and ninety-eight, and for prior years, and for other purposes," approved July seventh, eighteen hundred and ninety-eight, shall be extended for the term of one year, without compliance with the conditions prescribed by the act entitled "An act to regulate and improve the civil service," approved January sixteenth, eighteen hundred and eighty-three, provided they are otherwise competent.

The deficiency bill of March 3, 1899, contained the following provision regarding the appointments without examination:

The temporary or additional force rendered necessary because of increased work incident to the war with Spain, provided for in the act making appropriation for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June thirtieth, nineteen hundred, approved February twenty-fourth, eighteen hundred and ninety-nine, or provided in any other act making provision for said temporary or additional force, rendered necessary because of the increased work incident to the war with Spain, shall be appointed hereafter without compliance with the conditions prescribed by the act entitled "An act to regulate and improve the civil service," approved January sixteenth, eighteen hundred and eighty-three.

It will thus be seen that in addition to the sums previously appropriated, there was appropriated during the third session of the Fifty-fifth Congress \$750,000 for the War Department, \$213,980 for the Treasury Department, and \$650,000 for the colle



ing of internal revenue to be used in the payment of salaries in the office of the Commissioner of Internal Revenue and for salaries of an additional force of deputy collectors. Adding the amounts previously appropriated for similar purposes the sum total is \$1,363,980 for the Treasury Department, \$957,000 for the War Department, and \$2,320,980 for the payment of salaries of additional temporary employees, which it was said would be few in number.

## TEMPORARY APPOINTMENTS AUTHORIZED, APPROVED, OR EXTENDED FROM MAY 6, 1896, TO JUNE 30, 1898.

During the nearly thirteen months following the amended rules of May 6, 1896, 727 temporary appointments were authorized, exclusive of the Engineer and Ordnance Departments. In the eleven months next following there were 2,874 such appointments (including the Engineer and Ordnance Departments), and in June, 1898, 936. Some of these were due to the war with Spain, as is explained by footnotes. No recorded authority appears for many of these appointments, they being reported, and if there were no eligibles a card record was made. Certificates on a form were issued for about forty appointments, and perhaps as many more were authorized by letters.

Civil-service Rule VIII provides that whenever a vacancy occurs in any position which has been or may hereafter be classified under the civil-service act, and which is not an excepted position, the filling of said vacancy, unless filled by noncompetitive examination or by reinstatement, transfer, promotion, or reduction, shall be governed as follows:

The appointing officer shall request certification to him of the names of eligibles to the position vacant, and the Commission shall certify to said officer from the proper register the three names at the head thereof which have not been three times certified to the Department or office in which the vacancy exists, etc.

The rule therefore contemplates that the first step to be taken by a Department in filling a vacancy of the kind indicated is to submit a request for a certification. It is not for the Department to assume that there are no eligibles nor to take any steps preliminary to making a temporary appointment until after a request for certification has been made. As soon as such a request has been received by the Commission, steps are immediately taken to issue the proper certificate; or, should there be no register of eligibles, a temporary appointment is authorized without further request from the Department, pending the establishment of a register of eligibles, so that the work of any Department shall not suffer through any delay on the part of the Commission in supplying eligibles to fill any vacancy which may exist in any branch of the service.

Under section 13 of Rule VIII a temporary appointment is one which is authorized whenever there are no names of eligibles upon a register, and the first step to be taken by the Department in connection with the making of a temporary appointment is a request for a certification of eligibles. It is for the Commission to decide whether or not there are eligibles on the proper register, from which certification can be made to fill the vacancy. If there are no eligibles a temporary appointment is authorized. A temporary appointment, therefore, can not be made, under the rules, except upon the approval of the Commission.

An emergency appointment, which can be made for only thirty days, is one which is required by the exigencies of the service to be made at once, without waiting for the formality of certification by the Commission. In such cases it may be that there are eligibles, in which event certification would be made from the proper register, and the emergency appointment would be approved, pending selection from the certification issued.

A temporary appointment can therefore only be made for such part of three months as will enable the Commission to provide eligibles, and expires by limitation as soon as an eligible is provided. In the case of an emergency appointment, it

is made for such part of thirty days as may be required for the issuance of a certificate and the execution of the necessary details of an appointment thereto, in accordance with the rules, such appointment to continue in no case longer than thirty days.

The following tables show, in detail, the temporary appointments made during the period from May 6, 1896, to June 30, 1899:

[MAY 6, 1896, TO JUNE 1, 1897.]

Treasury Department:		
Department proper and the Bureau of Engraving and Printing.....	2	
Coast and Geodetic Survey (field force) .....	10	
Special agents' division.....	2	
Immigration service .....	5	
Construction force of public buildings .....	2	
Office of shipping commissioners.....	1	
Subtreasury service .....	1	
Assistant custodian and janitor service.....	34	
Marine-Hospital Service .....	35	
Light-House Service.....	12	
Steamboat-Inspection Service.....	5	
	100	
Navy Department .....		
Navy-yards and naval stations .....	11	
	14	
Post-Office Department.....		
Railway Mail Service.....	2	
	3	
Interior Department:		
Department proper.....	11	
Land service.....	14	
Indian service.....	125	
Government Hospital for the Insane .....	2	
	152	
Department of Justice .....		
War Department .....	8	
(Appointments to positions in the Engineer and Ordnance Departments were approved by indorsements on requests and no records kept.)		
Department of Agriculture.....		
Commission of Fish and Fisheries.....	3	
Government Printing Office .....	34	
Post-Office service .....	215	
Custom-house service .....	101	
Internal-Revenue Service.....	60	
Total .....	727	

[JUNE 1, 1897, TO MAY 31, 1898 (APPROXIMATE).]

Department.	Number.	Total.
Interior:		
Land Office .....	166	
Freedmen's Hospital .....	18	
Government Hospital for Insane.....	44	
Pension Office .....	29	
Indian Service.....	221	
Indian Office.....	8	
Geological Survey .....	10	
Pension Agencies.....	10	
Commissioner of Railroads .....	2	
	508	
Interstate Commerce Commission .....		
Treasury:		
Custodian and janitor service.....	223	
Department proper .....	15	
Immigration Service.....	15	
Marine-Hospital Service.....	271	
Light-House Service.....	316	
Special Agents Division.....	8	
Steamboat-Inspection Service .....	18	
Construction of Public Buildings.....	2	
Mints and Assay Offices.....	18	
Shipping Commissioner.....	3	

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[JUNE 1, 1897, TO MAY 31, 1898 (APPROXIMATE)]—Continued.

Department.	Number.	Total.
Treasury—Continued.		
Appraiser of Merchandise.....	1	
Comptroller of the Treasury.....	1	
Revenue-Cutter Service.....	1	
Supervising Architect.....	2	
Assistant Treasurer.....	3	
Coast and Geodetic Survey..	16	
Life-Saving Service.....	6	
Bureau Engraving and Printing.....	2	
Bureau of Statistics.....	1	
		922
State Department.....		1
Executive Office.....		1
		2
Post-Office:		
Railway Mail Service.....	12	
Post-office inspector.....	22	
Free-delivery division.....	1	
Mail bag repair shop.....	6	
First Assistant Postmaster-General.....	1	
Fourth Assistant Postmaster-General.....	1	
		43
Agriculture:		
Bureau of Animal Industry a.....	136	
Division of Agrostology.....	2	
Division of Seeds.....	3	
Experiment stations.....	4	
Dairy division.....	1	
Sugar-beet investigations.....	3	
Secretary's office.....	3	
Division of Pomology.....	1	
Division of Statistics.....	23	
Division of Entomology.....	1	
Division of Botany.....	3	
Division of Biological Survey.....	1	
		181
Navy:		
Nautical Almanac Office.....	3	
Yards and Docks b.....	100	
Branch Hydrographic Office.....	3	
Assistant Secretary.....	2	
United States inspector of machinery.....	2	
Naval dispensary.....	1	
Naval Observatory.....	1	
Bureau of Steam Engineering.....	5	
Miscellaneous.....	6	
		125
Smithsonian Institution.....		40
Government Printing Office.....		30
United States Fish Commission.....		9
Department of Justice.....		1
War:		
Engineer Department.....	107	
Quartermaster-General.....	31	
Department proper.....	16	
Ordnance Department c.....	355	
		509
Internal-Revenue Service.....		92
Custom-house service.....		159
Post-offices.....		248
Total.....		2,874

a Fully 90 per cent of these appointments were to the position of assistant microscopist.  
b Includes all temporary appointments made in the navy-yards and various naval stations.  
c War emergencies, 309 of which were made at the Springfield Armory, Springfield, Mass.

[JUNE 1 TO JUNE 30, 1898.]

Department.	Number.	Total.
Interior:		
Surveyor-generals' offices.....	2	
United States land offices.....	2	
General Land Office.....	28	
Pension Office.....	1	
Geological Survey.....	1	
Government Hospital for Insane.....	9	
Indian service.....	11	
		54

[JUNE 1, TO JUNE 30, 1898]—Continued.

Department.	Number.	Total.
<b>Treasury:</b>		
Custodian service.....	14	
Bureau of Immigration.....	1	
Marine-Hospital Service.....	14	
Subtreasury service.....	1	
Bureau Engraving and Printing.....	1	
Mints and assay offices.....	3	
Department proper.....	2	
Light-House Service.....	69	
		105
<b>War:</b>		
Engineer Service.....	6	
Ordnance Department a.....	654	
		660
<b>Post-Office Department:</b>		
Railway Mail Service.....		6
<b>Agriculture:</b>		
Bureau of Animal Industry.....	5	
Miscellaneous.....	6	
		11
<b>Smithsonian Institution:</b>		
United States National Museum.....		4
Department of Justice.....		1
Department of State.....		1
Navy Department.....		44
Post-offices.....		30
Custom-houses.....		19
Internal-Revenue Service.....		1
<b>Total</b> .....		<b>936</b>

a War emergencies, 624 of which were made at the Springfield Armory, Springfield, Mass.

This statement does not show the actual number of persons employed, as some of the persons remained in the service longer than three months on account of a lack of eligibles, or for other reasons satisfactory to the Commission. Each additional period of three months, or part of such period, was approved as an extension, and is shown in the numbers given.

## PREFERENCE ACCORDED SOLDIERS AND SAILORS.

Every provision of law favorable to those who have rendered honorable service in the Army or Navy of the United States is preserved in the civil-service act and rules, and in the latter these patriotic privileges have been, in the matter of age and otherwise, somewhat extended. Every person honorably discharged from such service—whether in the war of the rebellion, the war with Spain, or in the regular service—by reason of disability incurred in the line of duty, is allowed preference in certification for appointment, and becomes eligible at a lower grade than others. It is only under the civil-service act and rules that the preference intended by law to be given to veterans is secured. This preference is given only in the classified service under the action of the Commission, and is not given otherwise. This is more clearly shown by the fact that 382 out of 1,853 vacancies occurring in the year covered by this report, in the departmental service, excluding the Railway Mail, Indian, engineer, and ordnance services, were filled by reinstatement under the veteran privilege (then applying only to soldiers and sailors of the war of the rebellion), the beneficiaries having been separated from the service longer than one year. Veterans thus preferred received more than 20 per cent of these positions. Of this number 34 were separated prior to the passage of the civil service act of 1883, and 19 had been out of the service more than twenty years.

In the Railway Mail Service, where good physical condition is necessary for the proper discharge of the duties of the position, 49 veterans were reinstated. In the Indian Service 13 veterans and in the Government Printing Office 27 veterans were reinstated. In the branches of the service above referred to, excluding the engineer

and ordnance services, 3,303 vacancies were filled—2,421 by appointments from examinations and 882 by reinstatements—of which 471 were reinstatements of veterans, which shows that more than 14 per cent of the vacancies were given to veterans.

The following statement is interesting, inasmuch as it shows for a longer period the number of veterans reinstated as compared with the number of appointments made through competitive examination in the Departments at Washington.

*Statement showing the number reinstated under the veteran privilege and the number of appointments made through competitive examination in the Departments at Washington, exclusive of the Bureau of Engraving and Printing, other local offices, apprentices, pages, and messenger boys, from March 4, 1897, to December 30, 1898.*

Department.	Veterans reinstated.	Appoint-ments through examina-tion.
State.....		2
Treasury .....	117	21
War .....	40	20
Navy.....	2	44
Justice.....		8
Interior.....	177	83
Post Office .....	17	8
Agriculture.....	20	16
Executive Office.....	2	
Labor.....	2	2
Fish Commission.....		7
Civil Service Commission.....		3
Interstate Commerce Commission .....	1	2
Smithsonian Institution .....		20
State, War, and Navy Department building.....	5	6
Total.....	383	237

Thus it is shown that more than 63 per cent of the vacancies in the departments at Washington have been filled by the reinstatement of veterans of the war of the rebellion, whose average age is probably more than sixty years.

In the Internal-Revenue Service during the period from March 4, 1897, to November 12, 1898, the figures are as follows:

Deputy collectors .....	53
Storekeepers and gaugers.....	252
Internal-revenue agents .....	7
Clerks .....	7
Messengers .....	2
Total.....	323

I. THE TREASURY DEPARTMENT.  
(1) INTERNAL-REVENUE SERVICE.

GENERAL STATEMENT.

In connection with the following review of the administration of the civil-service law as applied to the Internal Revenue Service, the letter written by the Civil Service Commission to the President of the United States on December 31, 1894, signed by Messrs. Proctor, Lyman, and Roosevelt, advocating the completion of the classification of this branch of the service, is of interest:

In reference to the recent classification of a portion of the Internal-Revenue Service under the civil service rules, the Commission begs to invite attention to the following considerations why the entire service should be classified. As the classification now stands, one-fourth of the positions in the service, comprising the places of deputy collectors, are excluded from the terms of the classification, and the Commission is strongly of the view that these places should also be classified, and only such deputies as the President may from time to time deem expedient be excepted from examination. Very many of the positions of deputies left unclassified are precisely those most important to put into the classified list. The Commission has found from experience that it is a real harm, with results that are often far-reaching in the

damage they do, to have in any classified office or service a large number of positions in reality left under the domain of the spoilsman. There are two great evils which always result if in any office or service where there is such an unduly large proportion of nonclassified or excepted places, especially where they are higher in grade than those covered by competitive examination. These evils are, first, that it is impossible to get as good a class of men to enter the examination. The best men are deterred if they feel that they are cut off from rising by promotion to the better positions. Second, when so many positions are filled by political influence, when the men filling them are, as they generally are, active, working politicians, there is invariably a tendency to put the rest of the force likewise under political influences. Men are appointed or removed for political reasons. Even less worthy motives have often great weight in appointments to and removals from these excepted or nonclassified positions; for where the civil-service law does not cover positions, appointments are often dictated, not from motives that are political, but from motives that are personal or corrupt; and one of the great benefits that will come from extension of the classification to the Internal-Revenue Service is the elimination of just such motives. From its experience in the customs service the Commission is fully convinced of the unwisdom of making a classification which shall be in any sense elastic, that is, where by the action of any executive officer below the President the scope of the application of the rules can be expanded or contracted. It is possible that under the scheme of the classification adopted for the Internal-Revenue Service, by merely increasing the number of deputies or by changing the designation of any position from clerk to deputy, much of the benefit of the classification in the remaining places, even so far as the rules extend, will be lost. A large number of the deputies are merely clerks, who are made deputies for the purpose of allowing them to administer oaths, etc.

The recommendation for the classification of the deputies is made to prevent the classification from being largely nugatory in its effects; and it is better not to classify a service or an office than to make a classification which is in large part merely nominal, and which therefore tends to bring the law into disrepute. When classified the list of excepted places can be made to include those few deputies who occupy a position of fiduciary trust for whom the collector is under bond. It is further recommended that this be done at once, as it will greatly simplify the Commission's work in holding the initial examination. Great embarrassment will be experienced until the Commission knows whether the deputies are or are not to be classified. If not, while very much and indeed perhaps most of the benefit of the classification of the service will be lost, the Commission can still prepare registers of eligibles, but it earnestly hopes that the deputies will be classified. If this is done, a much more symmetrical and satisfactory scheme of examinations will be possible.

We beg to add that after full and careful consultation with internal-revenue officers who are specially familiar with the needs of the service our conviction is strongly confirmed that nothing would so much tend to benefit the Internal-Revenue Service as the classification of the deputies. Should there be a change of administration while the internal-revenue force is classified as at present the most important and most attractive places in the service will still be left to be distributed according to the dictates of partisan greed or personal corruption. The pressure for places in the Internal-Revenue Service will all be concentrated upon these deputies and a clean sweep would be made, and when a clean sweep is made in one part the remaining force is certain to be demoralized, and may be largely changed in the manner pointed out in the letter of Mr. French Tipton, a prominent and reputable citizen of Kentucky, who is competent to speak from a full knowledge of the subject. A copy of this letter is inclosed.

At the date of the publication of the Fourteenth Report of the Civil Service Commission the classification had been extended to all positions in the Internal-Revenue Service which were susceptible of classification under the act of January 16, 1883; that is to say, to all positions except such as were filled by direct appointment by the President, "by and with the advice and consent of the Senate," and the positions of mere workmen or laborers. The number of positions thus brought within the classification by Presidential orders between December 12, 1894, the date of the first order classifying any part of this service, and May 6, 1896, the date upon which such classification became complete, is 2,939.

By the amendments to the rules of November 2, 1896, and July 27, 1897, the following positions were excepted from competitive examination: One employee in each district to act as cashier or chief deputy or assistant collector; one deputy collector in each district in which the number of employees in the office of the collector exceeds four, and one deputy collector in each stamp or branch office. It was



ordered by the amendment of July 27, 1897, however, that persons appointed to such positions should sustain a noncompetitive examination to be prescribed by the Secretary of the Treasury, not disapproved by the Commission, equal to the examination held by the Commission for positions of like grade, such examinations to be conducted by the Commission in accordance with its regulations.

The classification of the Internal-Revenue Service will thus appear to be gratifyingly complete, but the enforcement of the classification, especially with reference to deputy collectors, has met with many obstacles.

As shown in detail in connection with the review of the Richmond, Va., internal-revenue district, on page 347, it was claimed that the commission of a deputy collector of internal revenue expired with that of the collector granting it, and that the incoming collector was empowered by section 3148 of the Revised Statutes to appoint new deputies to positions thus vacated without reference to the civil-service rules and regulations, it being maintained that as section 3148, as amended in March, 1879, had never been expressly repealed, it remained in full force and effect, and rendered null and void the order of the President of May 6, 1896, extending the classification to the position of deputy collector of internal revenue under the provisions of the act of January 16, 1883, known as the civil-service act.

Under this contention numerous virtual removals of deputy collectors were effected under the guise of the lapse of their commissions, and such separations from the service were not based upon charges preferred, as required by section 8, Rule II, in cases of removal. Such separations occurred in the Richmond (Va.), Portland (Oreg.), Owensboro (Ky.), Lancaster (Pa.), Rochester (N. Y.), St. Louis (Mo.), and Toledo (Ohio) internal-revenue districts, as shown in the following pages.

On September 20 the Commissioner of Internal Revenue forwarded to the Secretary of the Treasury the letter of Collector Brady, of September 13, printed at page 351 of this report, with his letter quoted below.\*

WASHINGTON, D. C., *September 20, 1897.*

The honorable the SECRETARY OF THE TREASURY.

SIR: I have the honor to inclose herewith letter from Collector James D. Brady, of the Second district of Virginia, setting forth his protest against any modification or limitation of the power vested in him as collector by section 3148 of the Revised Statutes with respect to the appointment and removal of his deputies.

This is a matter of so much importance in the administration of the internal-revenue laws and the proper transaction of the business of this Bureau that I request that it be referred to the honorable the Attorney-General, with the request that he advise your Department for the benefit of this Bureau what the law is on the following points:

Does the act of January 16, 1883, providing for the establishment of a Civil Service Commission, by implication or otherwise, repeal sections 3148 and 3149 of the Revised Statutes, or any part thereof? If these sections have not been repealed or modified, is there now any legal limitation upon the power of the collector either to remove or to appoint his deputies?

In view of the fact that section 3148 makes the collector responsible upon his official bond, both to the United States and to individuals, for the acts and defaults of his deputies, to be appointed in the manner prescribed by said section, the clear intent of which is to leave their selection wholly to the collector, can the bond be held responsible for the acts and defaults of deputies appointed in a manner not prescribed or contemplated by that section, and in a manner which eliminates the collector's power of selection by restricting him in each case to the names of three persons or less, all of whom may be wholly unknown to him?

In view of the specific provisions of section 3149 limiting the term during which a deputy collector shall have authority to act as such to the period covered by the bond of the collector from whom he holds his commission, is it not the meaning of the law that when a new collector enters upon duty the deputies of his predecessor are entirely and absolutely without authority to perform any of the functions of deputy collectors unless reappointed by the incoming collector by an instrument of writing under his hand?

\* Letters quoted in pp. 290-294 and 347-351 are published in Senate Doc. 58, 55th Cong., 2d sess., containing correspondence in regard to the Internal-Revenue Service transmitted by the Secretary of the Treasury to the Senate in compliance with Senate resolution of December 15, 1897.

And, in view of the further fact that this section provides that in case of a vacancy in the office of collector the bond of the outgoing collector shall be held for the acts and defaults of the deputies of such outgoing collector until his successor is appointed (and qualified), can the bond of the new collector be held for the acts and defaults of said deputies of his predecessor unless they are reappointed by the new collector by an instrument of writing under his hand?

Very respectfully,

G. W. WILSON.

On September 28, 1897, the Secretary of the Treasury submitted this letter to the Attorney-General in accordance with the request above quoted. Upon learning this fact the Commission made informal request to be heard, and on October 14, 1897, submitted to the Attorney-General a brief of its opinion in this matter, in which it discussed the question under the following heads:

I. Are deputy collectors of internal revenue officers of the United States?

II. Does the term of office of a deputy collector of internal revenue cease by reason of the going out of office of the collector under whom he was appointed and the taking of office by a newly appointed collector?

III. Are deputy collectors of internal revenue properly in the classified service and subject to the provisions of the civil-service act and rules?

IV. General discussion.

This brief is given in full in the Commission's Fourteenth Report (pp. 292 to 307), and for that reason it is not repeated here, but reference is made to the previous publication for the argument in full, and only the conclusions of the Commission on the points raised are given here for the sake of continuity.

In regard to "I," the Commission concludes:

It is to be noted (and it will bear repetition), referring again to section 3148, that so far as this section or any other statute is concerned, a collector does not fix the term of office of his deputies; he can vest them with no power; he can prescribe no duties for them; he has nothing to do with their compensation, either fixing or paying, and he can not revoke their appointment except under certain conditions prescribed by the Commissioner of Internal Revenue.

It might be granted that where the affinity between a principal and his deputy is so close that it is impossible to draw a distinguishing line between the two, because the appointment, power, duties, and removal of the deputy are absolutely and solely dependent upon his principal to such an extent that the deputy is simply *alter ego*, there might be some force in the contention that the deputy was but the servant of the principal; but, as has been shown by the statutes, no such condition of things exists, and the word deputy, as applied to a collector, does not indicate in any manner any close personal relation between the collector and the deputy, and we have no right to construe the word deputy, as applied to deputy collectors, in any narrow or restricted sense when the provisions of the statute clearly indicate that it is used in an entirely different sense.

It would appear by the foregoing that deputy collectors are officers of the Government, have been and would be so recognized under the definitions and citations quoted, and that further, and with great force, the statutes themselves recognize expressly the deputy collector as an officer of the Government.

In regard to "II" the Commission concludes:

As to the second contention, a reading of the last paragraph of section 3149 shows a different state of things than is raised by the contention. This paragraph states simply that the bond of the deputy shall be liable for any act or omission of duty by the deputy who has succeeded to the office of and who is the collector by virtue of the preceding paragraph of the section. It does not state, either directly or inferentially, that the bond of the deputy collector ceases to be of effect for acts done while he continues as a deputy collector, though said acts be performed after the collector who appointed him has vacated the office.

It is desired that especial attention be directed to the fact that the deputy collector's bond is for acts done by him in his official capacity. The sureties of the deputy must respond to the collector, and the collector in turn responds to the Government for the acts of his deputies. If the damage be done to the Government it is in reality the deputy collector's bond that responds, and, as stated before, it makes no difference as to whom the bond runs.

To sum up, it may be said that it does not seem possible to escape the conclusion, under the holdings cited, that the deputy collector holds over until his successor is duly appointed, and that an affirmative act, not only upon the part of the collector himself, but an affirmative act on the part of the Commissioner of Internal Revenue, is a *sine qua non* in vacating the office of a deputy collector who has been duly appointed.

In regard to "III," the Commission concludes:

It is not contended that the civil-service act repeals any statutes authorizing the appointment of deputy collectors of internal revenue. It is an elementary principle of construction and interpretation that statutes bearing on the same subject are to be read together, and in the absence of positive repugnance all are to stand. Section 3148, Revised Statutes, and section 1753, Revised Statutes, and the civil-service act do not prescribe conflicting conditions of appointment. The first authorizes the appointment of deputy collectors and prescribes their duties; the two latter prescribe the manner in which the selection for appointment shall be made.

The provisions of the first are fully satisfied without collision with the latter. Neither section 1753, Revised Statutes, nor the civil-service act, gives to the Civil Service Commission any power of appointment, nor does either eliminate or disturb the power of appointment where it has been placed by the Constitution or by statute. Under these provisions the Commission is in no sense an appointing body. Under the provisions of the civil-service act and rules which govern the manner in which an appointing officer shall make an appointment ample room is given for the exercise of his judgment and will. In *re Morris S. Miller* (supreme court of the District of Columbia, April 4, 1887) the court held that civil-service act and its supplements, establishing what is known as the Civil Service Commission, are in entire accord with the Constitution, quoting with approval the following language of the United States Supreme Court in *United States v. Perkins* (116 U. S., 483):

"The head of a department has no constitutional prerogative of appointment to offices independently of the legislation of Congress, and by such legislation he must be governed not only in making appointments, but in all that is incident thereto."

The foregoing brings us to the inevitable conclusion (1) that the provisions of section 1753, Revised Statutes, and of the civil-service act are not inconsistent or in conflict with the provisions of other statutes relating to the appointment of deputies of internal revenue; (2) that the President's action in directing their classification was following the clear intent of Congress as indicated by the precedents established by Congress itself; (3) that their classification is distinctly authorized by the direct language of statute, and (4) that this authority has been duly and regularly exercised, and deputy collectors of internal revenue are in the classified service subject to the provisions of the civil-service act.

Under "IV" the Commission concludes in regard to the construction of the act of January 16, 1883, that "the title of the act, the evil to be remedied, the circumstances surrounding the appeal to Congress, and the reports of the committee of each House, all concur in affirming that the intent of Congress was to regulate and improve the civil service of the United States by the appointment only of those who had previously demonstrated their fitness for such appointment and to place the service on an entirely nonpartisan basis."

The effort of the Commission, pending the decision of the Attorney-General in the matter of the status of deputy collectors, to bring up the question of the propriety of paying the salaries of deputy collectors appointed without regard to the civil-service regulations, and the result of that effort, are sufficiently shown in the following letter from the Secretary of the Treasury:

TREASURY DEPARTMENT,  
OFFICE OF THE SECRETARY,  
*Washington, D. C., November 5, 1897.*

GENTLEMEN: This office is in receipt of certain letters from you bearing the following dates: October 27, October 29, ultimo; two dated November 1, two dated November 2, and one dated November 3, instant. On the upper right-hand corner of said letters appears the following: S-File No. 826; S-File No. 836; S-File No. 860; S-File R. L., 5050-C.; S-File No. 851, and S-File 4836-R. L., respectively. All of said letters refer to appointments by collectors of internal revenue of deputy collectors. Some of said deputies are within the excepted class, but the most of them belong to the so-called nonexcepted class.

The majority of the appointments referred to, you state, were made to nonexcepted places in districts where there was an eligible list containing a sufficient number of eligibles to fill the places to which appointments have been made, but that the collector in each instance ignored the existence of the eligible list.

You hold that the appointments are in apparent contravention of the civil-service act and rules, and you therefore ask that the accounting officers of the Treasury may be furnished with specific information relative to each of the said appointments, in order that they may determine whether or not to withhold authorization of the payment to said deputy collectors of the compensation to which they would be entitled if properly appointed.

In some of these cases you ask, in view of the irregularities involved in the appointments, that this Department may take such action as may result in the separation of the appointees from the service and the appointment of their successors, in accordance with the civil-service rules.

You state that you are forced to believe that the dismissals and illegal appointments referred to by you have been made without the personal knowledge of the Secretary of the Treasury, "who has announced his intention of carrying out the spirit and letter of the civil service-law and rules."

In reply, permit me to say that this whole matter has been the subject of a prolonged correspondence, and that you ought by this time to understand fully and completely the attitude of this office.

As you are aware, the various collectors of internal revenue, whom you charge with having made the improper appointments in question, contend that the methods of appointments which have heretofore obtained have been improper, and that the collectors have been deprived of the privilege accorded to them by law of making their own selections, irrespective of the civil-service rules.

You are also aware of the fact that the whole matter has been referred to the Attorney-General for an opinion as to the justice of the claim made by the collectors. Pending a decision by the Attorney-General in this matter this office is unable to take any decisive action in the cases referred to by you.

Your Commission will not, I opine, contend that the Secretary of the Treasury has the power, under the law, to either appoint or remove deputy collectors of internal revenue. It must be apparent to you also that there is no power lodged with the Secretary of the Treasury by which he can force a collector of internal revenue to appoint, "by an instrument of writing under his own hand," a deputy. It is, of course, within the province of this office to suggest or request a collector to make a removal of a deputy whom it may be considered was improperly appointed, but there is no possible way of enforcing that request, except by an appeal to the President of the United States to remove the collector who may ignore or fail to comply with such request.

There exists at present an honest difference of opinion as to the rights of collectors in the premises, and you must therefore be content to await a formal decision by the Attorney-General in the matter before further action is taken.

The collectors who are charged by you with an infraction of the law are all bonded in large amounts to the United States for the faithful performance of their duties. They have, in turn, required bonds from the deputies whom they have appointed. Serious questions might arise as to their responsibility for the acts of their deputies, and if they claimed coercion on the part of this Department as to the removal or appointment of deputies, there might be doubts as to the ability of the Government to recover damages or penalties in case of default by a deputy collector who was either appointed or removed contrary to the expressed will of the collector having the power to make the appointment.

While this office is anxious to carry out to the fullest extent the recognized principles of the civil-service law and regulations, it is not willing, while the question is pending before the Attorney-General, as before stated, to take any further action in the premises, and the several letters hereinbefore referred to will not receive further answer until the Attorney-General shall have rendered his opinion.

Respectfully, yours,

L. J. GAGE, *Secretary.*

UNITED STATES CIVIL SERVICE COMMISSION,  
Washington, D. C.

After considering the papers submitted in the case, the Attorney-General declined to make a ruling in the matter, on the ground that the case as presented was entirely hypothetical. The question was then referred by the Secretary of the Treasury to the Solicitor of the Treasury, as indicated in the following correspondence:

TREASURY DEPARTMENT,  
OFFICE OF THE SECRETARY,  
Washington, D. C., November 6, 1897.

SIR: I am credibly informed that the honorable Attorney-General declines to make any decision in the case recently submitted to him, involving the appointment by collectors of internal revenue of deputies selected by them without regard to the provisions of the civil-service law relating to such appointments.

The reason (as given by my informant) for the attitude assumed by the Attorney-General in the case at issue is that he can not consider a hypothetical case. I therefore have the honor to submit the accompanying letter covering a case in point which originated in the Second district, Virginia.

It is of the utmost importance that definite action should be taken in this case, for, while this office is in accord with the view of the law assumed by Collector



Brady, it is not in any way desirous of obstructing the carrying out of the civil-service rules pertaining to this or any class of appointments.

The issue in this case was presented by Collector Brady and not by this office. It must be met, not by iteration and reiteration on the part of the civil service of their opinions and rules bearing upon the subject, but by such a decision of the law officers of the Government as will permit this office to proceed without danger of jeopardizing the rights of either collectors of internal revenue or their appointees.

The Civil Service Commission insists that both the paying and accounting officers of this Department shall be at once notified that, under decision of the Comptroller, dated July 25, 1896, a disbursing officer will not receive credit for payments made to temporary appointees whose appointments have not been approved by the Commission. Undoubtedly this ruling will properly apply to all cases where no actual issue has arisen as to the power of appointment without the intervention of the Commission.

As this matter not only involves the payment of the deputies recently appointed in Virginia and Tennessee, but the legality of their acts as deputies, you will agree with me that there is pressing necessity for an early decision showing the precise status of deputy collectors.

Respectfully, yours,

FRED BRACKETT,  
*Chief Division of Appointments.*

The honorable the SECRETARY OF THE TREASURY.

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,  
*Washington, D. C., November 6, 1897.*

SIR: I have the honor to submit herewith a communication from the Civil Service Commission relative to recent appointments of deputy collectors of internal revenue made by the collector of the Knoxville, Tenn., district. The Commission, as you will observe, charge that the eligible register has been ignored in the appointment of R. M. Rains, J. F. Toney, J. W. Howard, W. H. Cadle, and William C. Hornsby.

The facts in the case are that the collector made the appointments in question upon the theory that sections 3148 and 3149 of the Revised Statutes, and the act of March, 1879, confer upon him the right to appoint and remove his deputies without regard to the provisions of the civil-service law and rules made thereunder.

The issue thus raised is a very important one, involving not only the payment of the compensation of the deputies so appointed, but the legality of their acts.

I have the honor to ask your opinion as to the power of the collector in the premises, and to direct your attention to the accompanying briefs prepared by the Civil Service Commission, the Commissioner of Internal Revenue, and this office. An early reply will be appreciated.

Respectfully, yours,

L. J. GAGE,  
*Secretary.*

Hon. MAURICE D. O'CONNELL,  
*Solicitor of the Treasury.*

The Commission has not been informed of the decision rendered by the Solicitor of the Treasury in regard to this matter. Meanwhile, the position assumed by the Commissioner of Internal Revenue has been in direct opposition to that taken by the Civil Service Commission, as illustrated by a letter of the Commissioner of Internal Revenue dated October 20, 1898, a quotation from which appears on page 339 of this report, in connection with the review of the service in the Portland, Oreg., district.

In this connection it is not improper to state that while this matter was under discussion the facts and the arguments were submitted to several lawyers of national reputation with a view to ascertaining their views. As representative of the general agreement with the Commission's view, reference is made to the opinions of Messrs. Moorfield Storey, of Boston; Holmes Conrad, late Solicitor-General, and Charles J. Bonaparte, of Baltimore, printed in the Commission's Fourteenth Report, beginning at page 308.

On November 24, 1897, the Acting Commissioner of Internal Revenue issued the following order:

*To all Collectors of Internal Revenue:*

By direction of the honorable Secretary of the Treasury you are hereby notified *that until otherwise ordered existing rules relative to appointments of deputy collectors must be complied with.*

You will at once take steps necessary for compliance with this order, making your requisitions for certification for original appointments under civil service Rule VIII, or reinstatements under civil service Rule IX, through this office.

It seems a fair conclusion that the Department's issuance of this circular indicated at least uncertainty on its part as to whether appointments of deputies without compliance with the civil-service law were legal; yet, not only have the deputies thus appointed been retained in the service, but further appointments of the same character have been made, as may be seen by reference to the discussion of the administration of the service at Portland, Oreg.; Sacramento, Cal.; Owensboro, Ky.; Nashville, Tenn.; Rochester, N. Y., and other places, as shown in the following pages.

The Commission, being vested with no power of appointment or removal (except with respect to its own employees), can apply no remedy for this patent and habitual violation not only of the well-known spirit, but of the actual letter of the law. Its statutory power in this connection is limited to criticism and advice. Acting within its powers, however, the Commission endeavored to apply a remedy by submitting to the disbursing officers of the Treasury the names of the various persons concerned, together with evidence of their illegal appointment, with a view to the withholding of the salaries which under the law were payable only to "legally appointed" incumbents of the positions affected. With this purpose the Commission on October 17, 1898, addressed the following letter to the Auditor for the Treasury Department:

The Commission has the honor to invite your attention to the inclosed list of persons employed in the Internal-Revenue Service in apparent contravention of sections 2 and 7 of the civil-service act and of the rules drawn in pursuance of the express provision of such act, and to request that credit for compensation be refused such persons, in view of the manner of their appointment. These names and the information accompanying are taken from the monthly reports of changes in the Internal-Revenue Service furnished this Commission in accordance with section 2 of civil-service Rule XII, which requires that—

"Every nominating or appointing officer in the executive civil service shall report in detail to the Commission, in form and manner to be prescribed by the Commission, all changes as soon as made, and the dates thereof, in the service under his control and authority."

By rules promulgated by the President on May 6, 1896, "in the exercise of power vested in him by the Constitution, and of authority given to him by the seventeen hundred and fifty-third section of the Revised Statutes, and by an act to regulate and improve the civil service of the United States, approved January 16, 1883," the limits of the classified civil service were extended to include "the officers and employees in any internal-revenue district who \* \* \* may hereafter be classified under the civil-service act." In pursuance of this revision of the rules, and at the direction of the President, the Secretary of the Treasury classified all persons not before classified in the Internal-Revenue Service, except those merely employed as laborers or workmen, and those whose appointments are subject to confirmation by the Senate, and made report to this Commission. The classification reported to the Commission bears the signature of G. W. Wilson, Acting Commissioner of Internal Revenue, as well as the signature of the Secretary of the Treasury, and includes deputy collectors in the classified competitive list. The last paragraph of the classifying order is as follows:

"It is also ordered, That no person shall be admitted into any place not excepted from examination by the civil-service rules in any of the classes above designated until he shall have passed an appropriate examination prepared by the United States Civil Service Commission and his eligibility has been certified to this Department by said Commission."

The civil-service act makes express provision for the application of its provisions and the rules promulgated in accordance therewith to branches of the executive civil service not before made subject thereto, the third clause of section 6 reading—

"That from time to time, said Secretary of the Treasury, the Postmaster-General, and each of the heads of Departments mentioned in the one hundred and fifty-eighth section of the Revised Statutes, and each head of an office shall, on the direction of the President and for facilitating the execution of this act, respectively revise any then existing classification or arrangement of those in their respective Departments and offices, and shall, for the purposes of the examination herein provided for, include in one or more of such classes, so far as practicable, subordinate places, clerks, and officers in the public service pertaining to their respective Departments not before classified for examination."



Section 7 of the civil-service act provides—

“That after the expiration of six months from the passage of this act no officer or clerk shall be appointed, and *no person shall be employed to enter or be promoted in either of the said classes now existing, or that may be arranged hereunder pursuant to said rules*, until he has passed an examination or is shown to be specially exempted from such examination in conformity herewith. \* \* \*

By section 2 of the civil-service act it is made mandatory that the civil-service rules shall include the following as requirements:

“Second. That all the offices, places, and employments so arranged or to be arranged in classes shall be filled by selections according to grade from among those graded highest as the results of such competitive examinations.”

In pursuance of this paragraph, Civil-Service Rule VIII has been drawn (see pp. 119-121, Fourteenth Report), which requires that nominating or appointing officers shall request of this Commission certification of the names of eligibles from the proper register when it is desired to fill a vacancy in any classified position or employment in any other manner than by reinstatement, transfer, promotion, or reduction. By section 12 of the above rule provision was made for the temporary filling of positions or employments for which registers of eligibles had not been established. Such section is, in part, as follows:

“12. Whenever there are no names of eligibles upon a register for any grade in which a vacancy exists and the public interest requires that it must be filled before eligibles can be provided by the Commission, such vacancy may, subject to the approval of the Commission, be filled by appointment without examination and certification for such part of three months as will enable the Commission to provide eligibles. Such temporary appointment shall expire by limitation as soon as an eligible shall be provided, and no person shall serve longer than three months in any one year under such temporary appointment or appointments unless by special authority of the Commission previously obtained. Said year limitation shall commence from the date of such first appointment.”

The above provision concerning temporary appointments or employments was incorporated in the civil-service rules to meet the needs of newly classified branches of the Government service pending the establishment of registers of eligibles. It was also rendered necessary by sections 2 and 7 of the civil-service act, which forbid the filling of vacancies occurring in portions of the service made subject to the rules drawn in pursuance of the civil-service act *in any other manner than in accordance with such rules*. Temporary appointments may be renewed from time to time by “authority of the Commission, previously obtained,” until a register of eligibles is established. The temporary appointees may enter the examinations for regular appointment upon the same terms as other competitors. Sections 1 and 12 of Civil-Service Rule VIII being drawn in pursuance of the express provisions of the act and for its effectual operation, it is submitted whether they do not possess the same legal force as the act itself. In an opinion of August 29, 1893, the Attorney-General said: “The civil-service law, January 16, 1883, chapter 27, provides substantially that the rules promulgated by the President for carrying it into effect shall have the force of law.” (See Opinions of Attorneys-General, Vol. XX, p. 649; see also opinion of August 1, 1885, Vol. XVIII, p. 245, and opinion of August 10, 1896, Vol. XXI, p. 393.)

The Commission has been prepared at all times to make certification of eligibles, or, in the event that its registers did not contain the names of persons with qualifications deemed essential or desirable, to hold special examinations for the purpose of obtaining such eligibles, the Department in the meantime to make temporary appointments, provision for which, as stated *supra*, is made in Rule VIII of the civil-service rules.

In view of the fact that the positions or employments here mentioned may not be offices in the constitutional sense, attention is invited to the fact that the President is empowered to include in the classified civil service those holding *places or employments* in the public service. See secs. 2 and 7, civil-service act. Civil-service Rule III, clause 2, declares [includes]:

“\* \* \* All executive officers and employees outside of the District of Columbia not covered in (a), of whatever designation, except persons merely employed as laborers or workmen and persons whose appointments are subject to confirmation by the Senate, whether compensated by a fixed salary or otherwise—

“Who are in the service of the Treasury Department in any capacity.”

Rule VI provides for the exception of certain classes of deputy collectors of internal revenue from competitive examination, showing clearly the Executive intent respecting the classification of deputy collectors. See views given in brief at pp. 293-312, Fourteenth Report.

Since from the language of the decision of the Comptroller of July 25, 1896, *it appears that with specific information appointments to offices have not been made by the heads of the various Departments, etc., in accordance with the civil-*

service law and regulations, the accounting officers of the Government will not allow credit for compensation to the occupants of such positions, this Commission submits such specific information and requests your early consideration.

In response to the above, the following letter was received from E. McKillenck, acting auditor, dated October 20, 1898:

I have the honor to acknowledge the receipt of your communication of the 17th instant, in regard to internal-revenue appointments, and to assure you that the list you inclosed will be considered in auditing future accounts.

To this the Commission made the following reply on November 14, 1898:

In your letter of October 20 you acknowledge the receipt of the Commission's letter of October 17 protesting against the payment of salary to persons appointed in the Internal Revenue Service contrary to the civil-service act. You state that the list of such appointments inclosed with the Commission's letter will be considered in auditing future accounts. The Commission would be glad, for its own information, to be advised whether the facts presented in its letter are sufficient to justify you in considering past accounts. It seems to the Commission that as these payments were made against the statute, they were absolutely void as payments of salary. It would seem that the persons filling these positions in the Internal-Revenue Service were doing so without authority of law, and, being merely usurpers of office, could not receive salary.

If disbursing officers of the Government would insist upon evidence of legal appointment before making payment, questions of this character would be avoided. While the doctrine that settled accounts should not ordinarily be disturbed is recognized as sound, yet, where evidence is presented that the payments are absolutely void, should not accounting officers correct the error? Is there no way in which the matter can be made the subject of legal review? As this question seems to the Commission of much importance, it would thank you for your remark thereon.

Is the Commission to understand that in stating that the list will be considered in auditing future accounts, further payments to the persons named in the list will not be approved until after consideration of the facts presented in the Commission's letter?

No reply has been received to this letter.

A similar situation arose, however, with regard to office deputy marshals under the Department of Justice, and after taking the question up with the Auditor for the State and other Departments in like manner as above, and receiving reply that the matter seemed to be one upon which the Comptroller of the Treasury, as the "head accounting officer of the Treasury" should rule, the Commission took the matter to the Comptroller of the Treasury and asked for a decision which should be mandatory upon the different auditors. The Comptroller replied that the matter as presented did not come within his jurisdiction, and that he considered it imprudent, if not improper, under the circumstances, to express any opinion on the matter, stating that in order to give him any jurisdiction the question must be presented to him by the head of some Executive Department as one "involving payment to be made by or under that Department."

Later, the Commission again referred the matter to the Auditor for the State and other Departments as the accounting officer clothed with original jurisdiction, giving evidence of the illegality of the appointment of the persons concerned. (This correspondence is fully set out in the discussion of the administration of the civil-service act and rules by the Department of Justice, pp. 426 *et seq.*)

Again, on November 7, 1898, the Commission summarized and called the attention of the Department to a number of cases in which the Commission had previously called upon the Department for information as to apparent illegal appointments of similar nature, and in regard to which it had received no replies. In reply to this communication the following letters were received from the Department:

[From the Secretary of the Treasury to the Civil Service Commission, November 10, 1898.]

I have to acknowledge receipt of your letter of the 7th instant, inclosing a list of communications relating to official business that have been addressed by your Commission to this Department and requesting replies thereto.

In reply, you are informed that the letters were forwarded to the Commissioner of Internal Revenue for report and return, and that as soon as these reports are received in this office you will be informed of their import.

## 298 FIFTEENTH REPORT OF CIVIL SERVICE COMMISSION.

[From Acting Secretary of the Treasury Spaulding to the Civil Service Commission, November 21, 1898.]

Referring to your communication of November 7, 1898, requesting replies to a number of communications relating to the Internal Revenue Service, written by your Commission to this Department, I inclose copy of letter of the Commissioner of Internal Revenue, to whom these communications had from time to time been referred for consideration and report.

The statement of the Commissioner of Internal Revenue relative to the great pressure of public business is without question a fact, and it is believed that in the near future this office will be enabled to forward information in all pending cases.

[From the Commissioner of Internal Revenue to the Secretary of the Treasury, November 17, 1898.]

In reply to your letter of the 11th instant, calling for replies to certain inquiries from the Civil Service Commission, referred to in the list inclosed by you, relating to appointments in the Internal-Revenue Service, I beg to invite attention to my letter of August 2, 1898, stating that owing to the immense pressure of business upon this Bureau, growing out of the act of June 13, 1898, it was impracticable to attend to the investigations referred to.

I am compelled to state that while the pressure has abated to a small extent the condition of the business is still so urgent as to make it impossible at this time to prepare and forward the report desired by the Commission without neglect of matters of great importance. I am confident that as a business man you will agree with me that correspondence with taxpayers in regard to their liabilities under the new law, involving questions vitally affecting their business interests, should take precedence over investigations as to the manner in which appointments of deputy collectors may have been made by the collectors in some of the districts.

I beg to state further, that in office letter of October 20, 1898, referring to complaint of ex-Deputy Collector McAfee of the district of Oregon, the position of this Bureau as to the rights of collectors under sections 3148 and 3149 of the Revised Statutes was fully set forth. That letter covers all inquiries of that character that have arisen in the various districts and constitutes a full and complete reply to the several questions in the list referred to.

The letter of the Civil Service Commission is herewith returned.

[The letter of October 20, referred to by the Commissioner of Internal Revenue in his letter above quoted, is printed at page 339 of this report.]

On March 14, 1899, the Commission made a final request upon the Secretary of the Treasury to enforce the civil-service law and rules with relation to the positions of deputy collectors, and briefly reviewed the questions involved. The Commission's letter is as follows:

The honorable the SECRETARY OF THE TREASURY:

SIR: The Commission has the honor to refer to your letter of January 24 last, transmitting a copy of a letter from the Acting Commissioner of the Internal Revenue under date of January 18, as a reply to the Commission's letter of December 14, 1898, in the matter of the employment of Elizabeth C. Flanagan in the office of the collector of internal revenue, at Boston. The following extract from the Acting Commissioner's letter is noted:

"In appointing and retaining Miss Flanagan as deputy collector, the collector has exercised his prerogatives under section 3148, Revised Statutes, prerogatives which this office did not confer and is powerless to modify. If the Civil Service Commission desires to enforce rules conflicting with that section of law, it is respectfully referred to the President. In previous correspondence on the subject it has been submitted that this office will not, without instructions to that effect from the President, exercise the disciplinary power vested by law in the Commissioner of Internal Revenue for the enforcement of rules whose legality has been questioned."

This is in effect saying that all that is necessary to justify nonobservance of Executive orders or rules promulgated under authority of law is merely that someone shall question the validity of such orders or rules. It is furthermore saying that a direction of the President will not be obeyed without another direction from the President ordering obedience of his first direction. The position here taken, which, in transmitting the Commission's letter, you apparently approve, is, to say the least, remarkable, and would seem to be most untenable. That the very opposite of this is true seems to be such a plain proposition as to scarcely admit of argument. It is believed to be a plain and undisputed legal proposition that a statute or an Executive order made in pursuance of a statute must be obeyed by those charged with its enforcement and observance until declared invalid by a competent tribunal.

However, with perhaps a repetition of assertions and declarations upon this general

subject, the Commission begs to submit the following as to the validity of the classification of deputy collectors of internal revenue:

Section 1753 R. S. (March 3, 1871) provides:

"The President is authorized to prescribe such regulations for the admission of persons into the civil service of the United States as may best promote the efficiency thereof, and ascertain the fitness of each candidate in respect to age, health, character, knowledge, and ability for the branch of service into which he seeks to enter; and for this purpose he may employ suitable persons to conduct such inquiries, and may prescribe their duties, and establish regulations for the conduct of persons who may receive appointments in the civil service."

It is seen that by this provision the President of the United States is authorized by Congress to prescribe regulations or rules for admission of persons to any position in any part of the civil service without exception or limitation. It would not be contended that the authority here conferred is confined to appointment or employment by heads of Departments or by any particular appointing officers. It is clear that it extends to any and all appointments or employments made by any appointing or employing officer.

The act of January 16, 1883, commonly known as the civil-service act, practically confers upon the President the same authority, but goes into detail and outlines somewhat the method in which the President shall exercise his authority, and expressly directs that certain parts of the service not before classified shall be classified and brought within its provisions within a specified time, and expressly grants to the President authority to bring the remaining parts of the service within its provisions from time to time, in his discretion, subject to the following limitations of section 7:

"Nor shall any officer not in the executive branch of the Government, or any person merely employed as a laborer or workman, be required to be classified hereunder, nor, unless by the direction of the Senate, shall any person who has been nominated for confirmation by the Senate be required to be classified or to pass an examination."

The act of 1883 not only does not repeal the authority conferred by section 1753 Revised Statutes, but, subject to the limitations just quoted, expressly re-enacts that provision in the following terms of section 7:

"Nothing herein contained shall be construed to take from \* \* \* the President any authority, not inconsistent with this act, conferred by the seventeen hundred and fifty-third section of the Revised Statutes."

The general authority conferred by the civil-service act to extend its provisions is contained in the following language of section 6, paragraph third, of that act:

"*Third.* That from time to time said Secretary, the Postmaster-General, and each of the heads of Departments mentioned in section 158 of the Revised Statutes, and each head of an office, shall, on the direction of the President, and for facilitating the execution of this act, respectively revise any then existing classification or arrangement of those in their respective Departments and offices, and shall, for the purposes of the examination herein provided for, include in one or more of such classes, so far as practicable, subordinate places, clerks, and offices in the public service pertaining to their respective Departments not before classified for examination."

Furthermore, the Constitution would seem to confer general authority upon the President to thus prescribe rules and regulations governing the exercise of the power of appointment by any and all appointing or employing officers. It would appear that the President recognized these three sources of authority when he extended the provisions of the civil-service laws to the positions of deputy collectors of internal revenue, and directed their classification under the following promulgating order:

"In the exercise of power vested in him by the Constitution, and of authority given to him by section 1753 of the Revised Statutes, and by an act to regulate and improve the civil service of the United States, approved January 16, 1883, the President hereby makes and promulgates the following rules, and revokes all others."

It may be contended, perhaps, that the President, in directing the classification of deputy collectors of internal revenue, misinterpreted his authority under the law. It is submitted that a complete answer to any such contention is found in the following extract from the Commission's letter to the Department under date of October 25, 1897:

"The President having interpreted the acts of Congress as authorizing him to direct the classification of deputy collectors, and having directed that they be placed in the classified nonexcepted list, and the Department having carried out this direction, the Commission respectfully submits that deputy collectors can not legally be treated otherwise than in the classified competitive list until the President's interpretation of the law be reversed by competent authority."

Furthermore, as to the construction and effect of sections 3148 and 3149, Revised



Statutes, in connection with the classification of deputy collectors of internal revenue, the following is respectfully submitted:

The provision of Article II, section 2, of the Constitution is that "the Congress may by law vest the appointment of such inferior officers as they think proper in the President alone, in the courts of law, or in the heads of Departments." Note also the following language in section 3148, Revised Statutes: "Each collector shall be *authorized* to appoint." (The italicization does not appear in the statute.) When read with the constitutional provision quoted it would seem that the language of section 3148, Revised Statutes, must be construed so that the ultimate absolute power of appointment of deputies of internal revenue is, constructively at least, in the Secretary of the Treasury, and the act of the collector in "appointing" deputies is constructively the act of the Secretary of the Treasury. While this is the opinion of the Commission as to the construction of section 3148, Revised Statutes, upon this point, at the same time it also holds that whether or not this is the correct interpretation has no bearing whatever upon the question of deputies of internal revenue being legally in the classified service.

As pointed out in the early part of this communication, it matters not in whom is vested the power of appointment or employment of deputy collectors of internal revenue, so far as concerns the authority of law for bringing them within the provisions of the civil-service law and rules. In the provisions authorizing classification, or promulgation of rules prescribing the method in which the power of appointment or employment shall be exercised, note the language: "Regulations for the admission of persons into the civil service of the United States" (1753, R. S.). "Include in one or more of such classes, so far as practicable, subordinate places, clerks, and officers in the public service" (sec. 6, civil-service act). "To arrange in classes the several clerks and persons employed by the collector, naval officer, surveyor, and appraisers, or either of them, or being in the public service" (sec. 6, civil-service act). "To separately arrange in classes the several clerks and persons employed, or in the public service" (sec. 6, civil-service act). And "No officer or clerk shall be appointed, and no person shall be employed to enter or be promoted in either of the said classes now existing, or that may be arranged hereunder pursuant to said rules" (sec. 7, civil-service act). These sweeping uses of language seem to clearly authorize the classification of deputies of internal revenue, whether it is held that the power of appointing them is in the Secretary of the Treasury, in the collector, or elsewhere.

Before going further it should be pointed out that the effect of classifying any particular class of officers or employees, or in other words of bringing them within the provisions of the civil-service law and rules, in no way disturbs the power of appointment where it is vested; on the contrary, it is merely to prescribe the manner or method in which the power of appointment is to be exercised. As to the validity of the statutes which authorize the President to thus prescribe the method in which any appointing officer shall exercise his power of appointment, it is only necessary to cite the case in re Morris S. Miller (Supreme Court, District of Columbia, April 4, 1887), in which the court held that the civil-service act and its supplements are in entire accord with the Constitution; and more particularly the case of United States v. Perkins (116 U. S., 483), in which the court inferentially held the same, using the following language, which applies with peculiar emphasis to the question of the unlimited power of Congress to prescribe the method in which the power of appointment or employment shall be exercised by the officer in whom it vests such power either contemporaneously with the vesting of the power or otherwise:

"The head of a department has no constitutional prerogative of appointment to offices independently of the legislation of Congress, and by such legislation he must be governed, not only in making appointments but in all that is incident thereto."

As to the construction of section 3149 R. S., and the contention which may be made that this section limits the term of a deputy collector to the appointment of a successor to the collector who appointed the deputy, please note (1) that this section does not state, either directly or inferentially, that the bond of a deputy collector ceases to be of effect for acts done while he continues as a deputy collector although said acts be performed after the collector who appointed him has vacated the office; and (2) that the language "in case of a vacancy occurring in the office of the collector, the deputies of such collector shall continue to act until his successor is appointed" depends entirely for its meaning upon what immediately precedes and what immediately follows in the same section. Previous to this language the section provides that in the case of sickness or absence of a collector, or on the occurrence of a temporary disability to discharge his duties, the collector may devolve them upon a deputy, or if such has not been done, the senior deputy shall perform the duties of the collector. *After* the quotation mentioned the section provides that the senior deputy shall discharge all the duties of the collector, and that when it appears to the Secretary of the Treasury that the interests of the Government require, *he has authority* to designate any other deputy to so act. From a reading of all of the terms of this section together, which, of course, is the only proper way to

interpret it, it is submitted that it is the clear intent of this section *not* that deputies can not continue in their offices after there is a vacancy in the office of the collector who appointed them *but* that *someone* may be provided in the person of a deputy to discharge the duties of the office of the collector upon his absence, disability, or death—in other words, to provide for the succession of the personnel of the office of the collector.

It seems clear to the Commission, therefore, that the appointment of a deputy collector of internal revenue does not cease except by reason of an affirmative act of removal, in accordance with law, on the part of the appointing or removing power, and also that his bond continues to be of effect for acts done until he is so removed. However, it is equally clear to the Commission that the question whether the term of a deputy of internal revenue ceases upon the appointment of a successor to the collector who appointed the deputy, and the question whether a deputy's bond ceases to be of effect after the collector who appointed him vacates his office, can in no way affect or have any bearing upon the question of the validity of the classification of deputies of internal revenue, or, in other words, the question of the authority of the President to direct such classification and the compliance with that direction. Even if the position of deputy collector of internal revenue were to become vacant merely by reason of the appointment of a successor to the collector who appointed the deputy, nevertheless it is perfectly clear that such a condition in no way conflicts with the requirement of the civil-service law and rules that a vacancy must be filled in accordance with the provisions of said law and rules. In other words, the method authorized by Congress in which the power of appointment shall be exercised in filling a vacancy regularly existing in the position of deputy collector of internal revenue, no matter what the reason for the vacancy, is through examination and certification by the Civil Service Commission.

To sum up and in conclusion, the Commission submits, in view of the foregoing, (1) that there is clear authority of law for the action of the President in directing the classification of deputy collectors of internal revenue and for the compliance with that direction on the part of the Department; (2) that whether the power of appointment of deputies of internal revenue lies with the Secretary of the Treasury, with the collector, or elsewhere, in no way interferes or conflicts with the fact that they have been brought within the provisions of the civil-service law and rules, and hence must be appointed in conformity thereto by the officer, whoever he may be, in whom has been vested the power of their appointment or employment; (3) that it matters not, so far as concerns the validity of the classification of deputies of internal revenue, whether the term of a deputy of internal revenue ceases upon the appointment of a successor to the collector who appointed him, and whether the bond of a deputy collector ceases to be of effect after the collector who appointed him has vacated his office, for in any case there is no conflict with the provisions of the civil-service law and rules prescribing the method in which the power of appointment or employment shall be exercised in filling a vacancy in the position of deputy of internal revenue; and (4) that whether or not there is authority of law for the President's action in directing the classification of deputies of internal revenue, nevertheless the President has interpreted the laws and the Constitution as giving him this authority and has so acted, and the Department has carried out his direction; and therefore the President's interpretation of the law, until reversed by competent authority, must stand, and the classification of deputy collectors of internal revenue is of legal force and of valid effect, and the appointment and removal of deputies of internal revenue can be legally made only in compliance with the provisions of the civil-service law and rules.

By direction of the Commission:

JOHN R. PROCTER, *President*.

Failing to receive a response to this letter the Commission, on May 8, 1899, presented the matter to the President in the following letter:

THE PRESIDENT.

SIR: On May 6, 1896, in pursuance of section 6 of the civil service act, the President directed the classification of the position of deputy collector of internal revenue. In obedience to this direction the Department classified these positions and so reported them to the Commission, and they were thus brought within the provisions of the civil-service law and rules.

On September 1, 1897, Collector James D. Brady, of the second internal revenue district of Virginia, protested to the Commissioner of Internal Revenue against any modification or limitation of the power vested in him as collector by section 3148 of the Revised Statutes with respect to the appointment and removal of his deputies. The Internal Revenue Bureau approved the action of the collector and since that time has continued to hold that collectors may appoint deputies without compliance with the civil-service law and rules, and in many cases has acted accordingly.



This action of the Internal Revenue Bureau has apparently received the tacit approval of the Department. The opinion of the Commission, which it has continued to reassert, is briefly outlined in the accompanying copy of a letter to the Secretary of the Treasury, under date of March 14, 1899.

Particular attention is directed to the attitude taken by the Internal-Revenue Bureau as appearing in the following language:

"If the civil service desires to enforce rules conflicting with that section of law (sec. 3148, R. S.) it is respectfully referred to the President. In previous correspondence on the subject it has been submitted that this office will not, without instructions to that effect from the President, exercise the disciplinary power vested by law in the Commissioner of Internal Revenue for the enforcement of rules whose legality has been questioned." Please note also the Commission's preliminary comment upon the position here taken as shown from the following extract from its letter to the Secretary of the Treasury:

"This is in effect saying that all that is necessary to justify nonobservance of Executive orders or rules promulgated under authority of law is merely that some one shall question the validity of such orders or rules. It is furthermore saying that a direction of the President will not be obeyed without another direction from the President ordering obedience of his first direction. The position here taken, which, in forwarding the Commission's letter you apparently approved, is, to say the least, remarkable, and would seem to be most untenable. That the very opposite of this is true seems to be such a plain proposition as to scarcely admit of argument. It is believed to be a plain and undisputed legal proposition that a statute or Executive order made in pursuance of a statute must be obeyed by those charged with its enforcement and observance until declared invalid by a competent tribunal."

The fact that the Internal-Revenue Bureau continued to claim and exercise the right of collectors to appoint deputies without compliance with the civil-service act and rules, notwithstanding the arguments of the Commission to the contrary, was the principal reason for the Commission's recommendation to the President on June 1, 1898, that these positions be included in the list of positions excepted from the requirement of examination, it being believed preferable that these positions should be thus excepted than to continue in the competitive list subject to the requirement of examination and certification by the Commission if such requirement was to be disregarded.

Having exhausted its efforts with the Department for a compliance with the rules, and in view of the language of the Commissioner of Internal Revenue herein quoted, the whole matter is brought, by means of this communication, especially to your attention, in pursuance of section 2 of the civil-service act, for such action as you may deem proper.

It is respectfully recommended that the accompanying copy of the Commission's letter to the Secretary of the Treasury, under date of March 14, 1899, be submitted to the Attorney-General, with the request for an official opinion upon the question whether the positions of deputy collectors of internal revenue are legally in the classified service and subject to the provisions of the civil-service law and rules in respect to appointments and removals.

We have the honor to be, your obedient servants,

JOHN R. PROCTER,  
JOHN B. HARLOW,  
M. S. BREWER,  
Commissioners.

Here the matter rests for the present. The Commission adheres to its original position that the appointment of deputy collectors of internal revenue by any other method than that prescribed in the civil-service rules is illegal. But to correct the evil transcends the power vested in the Commission, and it can but point out to those charged with its execution the evident violation of the law.

In quite a number of internal revenue districts the records of the Commission show that removals have frequently been made upon the authority of the internal-revenue regulations that the number of persons holding commissions in any district and unassigned to duty shall not at any time exceed 15 per cent. of the number assigned to duty. Removals under this regulation are made without regard to clause 8 of Rule II, promulgated as the President's order July 27, 1897, and it has been frequently charged by interested persons that the selections for removal under this regulation have been made on account of political or personal considerations.

Such removals having, however, been made in conformity with a regulation pertaining entirely to the internal administration of the service, the Commission has held them to be outside of its jurisdiction, and has declined to interfere in such

cases. Unsolicited correspondence coming to the Commission in this connection has, however, indicated that when such reductions of force are made the employees dropped from the rolls are usually, if not always, of a different political faith from that of the collector; that after such reductions a corresponding increase in the force is often discovered to be necessary within a short time, and that the appointments then made are entirely from among members of the political party to which the collector adheres, the employees removed in the prior reduction of force often complaining that their eligibility to reinstatement under the rules in such cases has been ignored by the collector. In connection with this subject, attention is invited to the copy of the Commission's letter of December 1, 1898, to the Secretary of the Treasury, in regard to the operation of the unassigned-force regulation in the Danville, Ky., district, printed at page 318 of this report.

Another method of procedure which has resulted in the separation of storekeepers and gaugers from the service without the preferring of charges against them, as required by clause 8 of Rule II, has been the exercise by collectors of their right of assignment of such employees to duty in ordering them to remote stations for work that may be merely temporary in its nature or whose compensation may be too small to justify the expenditure necessarily incident to such a change of location, so that sooner or later the storekeeper-gauger thus assigned finds it necessary to resign. Reference is made to cases of this kind in the review of the service in the Asheville and Raleigh, N. C., districts in the following pages. The Commission recognizes that assignment to duty necessarily belongs to the internal administration of the service, over which it has no jurisdiction, but it feels justified in calling attention to the possibility inhering therein of effecting a separation from the service by resignation when the occasion of the resignation is such as to make it tantamount to removal contrary to the rules. At the least, the Commission may state that it has had cases reported to it where men have been required to travel long distances to perform work which apparently might have been performed as well by men already assigned to duty in the neighborhood, and that the men so ordered have stated that they belonged to a different political party from that of the collector.

It will be seen from the reviews of the service in the different internal-revenue districts, contained in the following pages, that many temporary appointments without examination and certification have been made with the authority of the Commissioner of Internal Revenue, on the strength of the so-called "emergency clause" of section 13 of Rule VIII, and have been made practically permanent by the retention of the appointees in the service beyond the 30 days to which such appointments are limited by the rules. The attention of the Department and of collectors has repeatedly been called to the fact that the rule permits such appointments only in case of an emergency requiring appointment to be made sooner than certification could be obtained from the Commission, and in that event only for such a part of 30 days as will enable the Commission to make regular certification for appointment, and that all temporary appointments for a longer period than 30 days are required by the rules to be made with the approval of the Commission previously obtained. In comparatively few cases, however, has remedial action been taken by the Department.

During the period from July 1, 1897, to May 29, 1899, there were some two hundred appointments made, without authority of the Commission, to classified positions for which there were at the time sufficient eligibles to enable the Commission to make full certification had it been called upon to do so. This does not take into account, moreover, some thirty appointments which, though made without authority of the Commission, were made under such circumstances that had such authority been requested it would probably have been granted, on account of the Commission's inability to furnish full certification, or for other cause.

By the exceptions made from examination on July 27, 1897, 182 positions were withdrawn from the competitive list, with the proviso, however, that appointments to these positions should be subject to an examination to be prescribed by the Secretary of the Treasury, not disapproved by the Commission, equal to the examination

held by the Commission for positions of like grade. Between that date and June 12, 1899, 174 appointments were made to excepted positions in the Internal-Revenue Service. Of these, examinations had been held to April, 1898, in 36 cases, 21 of the appointees passing at the required grade and 15 failing to obtain the minimum grade of 70 per cent necessary for eligibility. Those passing almost invariably did so with a low average. The Secretary of the Treasury was in each case informed of the result of the examination and requested to dismiss from the service the persons who failed to pass; but no removals were made for this cause.

It may be stated in this connection that the provision of Rule VI, that appointees thereunder shall pass an examination equal to that held by the Commission for positions of like grade, was inserted at the suggestion of the Treasury Department. It should be further stated that the Department afterwards requested that some modifications be made in the regular competitive examination in order to adapt it to the requirements of positions covered by noncompetitive examination, and also that it be made to include a consideration of the business experience of the nominees. As the repeated action of the Department had already necessitated suspending the holding of these examinations pending the negotiations between the Department and the Commission, it was deemed advisable to await the anticipated amendment to the rules, which was expected to meet the views of the Department.

On account of its appropriateness, in connection with the present discussion, the following is reprinted from the Commission's Fourteenth Report:

**“NEED OF EXAMINATIONS TO TEST FITNESS IN THE APPOINTMENT OF DEPUTY COLLECTORS OF INTERNAL REVENUE.**

“Some of the duties of deputy collectors of internal revenue are:

“1. To canvass the territory to which assigned to find objects of taxation. (See Revised Statutes, sec. 3172.) This includes the ascertaining of names of persons and all other data necessary relative to ascertaining amounts of special taxes or other internal-revenue taxes.

“2. To report to the collector fully as to all information so gathered.

“These duties arise in connection with special taxes, specific taxes, and the making of reports. Special taxes are levied upon certain businesses, as rectifiers, liquor dealers, dealers in malt liquors, manufacturers of stills, brewers, manufacturers of oleomargarine, etc. Specific taxes are levied upon distilled spirits at \$1.10 per gallon, upon malt liquors at \$1 per barrel, upon cigars at \$3 per thousand, etc. The making of reports requires much time and good clerical ability.

“In ascertaining liability to special taxes, the deputy must have a knowledge of bookkeeping and arithmetic, otherwise he will be unable to tell whether a rectifier or brewer is liable to the special tax for “less than” or for “500 barrels or more”—there being two rates of tax in each case. He must be able to determine, from the books required to be kept, to which class the brewer or rectifier belongs. These are merely cited to show that educational qualifications are needed before the deputy can properly do his work in regard to special taxes.

“Deputy collectors are required to make surveys of distilleries. A “survey” is a calculation made to ascertain the spirit-producing capacity of a given distillery. These calculations necessarily vary according to the size and number of stills used in a fruit distillery, and as to the size and number of fermenting tubs and the method of mashing and fermenting in grain distilleries; and as to the mode of boiling in all distilleries.

“These stills, mash tubs, and fermenting tubs are frequently large, of odd sizes and shapes, and the deputy collector must be able to calculate their cubic contents before he can make the survey. The survey is very important, because by it the Government determines whether or not the distiller is liable to an assessment for deficiency or for excess of materials used.

“*The law requires distillers and other producers of taxed articles to keep records of all materials purchased and of all transactions by them concerning the business, and*

to render reports from these books containing all this information. The deputy collector is required to examine these books and reports and to verify their correctness. To verify a brewer's reports the deputy must be able to measure large vats, tanks, and casks to see that the beer is actually on hand as claimed by the report.

"The same principles apply, varying according to circumstances, in regard to all the places a deputy is required to visit. He must be familiar with the principles of distilling, brewing, etc., and must know when a place used for the production or sale of a taxed article is in compliance with requirements of the law. He can not know them nor can he learn them without having a good common-school education as a basis.

"Storekeepers and gaugers are in the classified civil service and have certain duties prescribed. Nothing is required of either that may not properly be required of the deputy collector. The deputy is sometimes assigned to do gauging or storekeeping. The storekeeper has records to keep and long complicated reports to render. The gauger has to determine the volume and alcoholic strength of spirits and make long and difficult reports; he has to cut or burn certain marks upon the staves and head of a barrel to show the complete history of the spirits in it, and the storekeeper and the gauger apply certain stamps to the package when it is entered into the warehouse and when withdrawn. The deputy collector must be able to know, when the barrel comes into the market, whether or not it is properly marked, branded, and stamped; for, if not, it is subject to seizure and forfeiture. Unless he knows thoroughly all of the duties of both gauger and storekeeper, he will be unable to decide whether or not to seize the package. The alcoholic strength of the spirits is found by use of scientific instruments and calculation. The thermometer and hydrometer are used in this connection. The volume is found by weighing and by mensuration.

"Deputy collectors must be able to detect oleomargarine. This is generally done by microscopic test. One must be familiar with the instrument, and must know the difference in appearance, under polarized light, between melted and unmelted fat. The necessity for technical knowledge in this case is obvious.

"Many additional reasons might be stated why deputy collectors should possess qualifications which can only be adequately tested by examination. None of the important duties of the deputy collector can be well done by one who does not possess educational qualifications.

"The deputy's reports are frequently in the form of a letter, and the deputy should be able to write an intelligible letter.

"Few of the minor officers in the Government service have a greater variety of duties or duties which require more general educational qualifications.

\* \* \* \* \*

"The continued application of the competitive system to the Internal-Revenue Service is necessary to secure persons of adequate qualifications and to give the service stability independent of changes of Administration."

In a letter to the President of June 1, 1898, the Commission made report relating to certain proposed amendments to the civil-service rules extending the exceptions from examination. With reference to the exception of deputy collectors of internal revenue the Commission said:

The Commission has from time to time had its attention called to the many conflicts arising out of and touching the power of appointments and removals of deputy collectors of internal revenue, pension examining surgeons, deputy United States marshals, and other officials, which positions the Commission has determined to recommend should be excluded or excepted from the classified service and the rules of the Commission. These conflicts have been a source of annoyance not only to the Commission but to some of the Departments, and perhaps to yourself as well, which conflicts can be avoided by making the exceptions recommended at the present time by the Commission in case the same should meet your approval. Changes of persons in the positions mentioned, by removals or appointments, might be, as they have been



recently, of a temporary and doubtful character and without proper stability of tenure, and this uncertainty has been detrimental to the public service. This, in the opinion of the Commission, can be avoided by making these exceptions from examination.

#### **Alexandria (6th Va.) Internal-Revenue District. File 833 S.**

This internal-revenue office was located at Lynchburg, Va., previous to July, 1898, when it was changed to Alexandria, Va.

During the period from July 1, 1897, to December 31, 1898, there were twenty-one removals and nine resignations from positions subject to competitive examination, a total of a little less than 30 per cent of the entire force. While this might appear to be a large percentage of separations, no distinct violation of the civil-service act or rules is found to have occurred, except, perhaps, in the case of Mr. Fountain Beatty, who was appointed to an excepted position and afterwards transferred to a nonexcepted place, through the collector's misunderstanding of the rules governing such transfers, which mistake was, however, not corrected upon being brought to the collector's attention; but the reasons therefor were explained to the satisfaction of the Commission.

In his report of changes in the service for January, 1898, the collector included five temporary appointments which had been made without previous authority of the Commission. There being at that time an ample register of eligibles, the Commission laid the facts before the Secretary of the Treasury, stating that the appointments had not been made in accordance with civil-service rules, and therefore could not be approved.

The collector's attention was also called to the matter, and he was requested to take such steps as would result in the separation from the service of the persons improperly appointed. The collector, in his reply, stated that the appointments had been made with the "consent and approval of the honorable Commissioner of Internal Revenue," but reported that these appointees, with one exception, had been separated from the service the month following their appointment, the exception being an eligible who had since (on March 12) been regularly appointed from certification by the Commission.

#### **Asheville (5th N. C.) Internal-Revenue District. File 802 S.**

At this office the condition of affairs described in the Fourteenth Report has continued. Numerous removals have been made, and the collector's explanation of the fact that the new appointees are all of his own party, while not altogether satisfactory, has been deemed by the Commission to be acceptable under the circumstances, the situation being due to local partisan prejudice, which the law and rules can not remedy instantly.

Between July 1, 1897, and December 31, 1898, 171 persons (or about 54 per cent of the entire force) occupying nonexcepted positions were removed from the service. There are five excepted positions in the district, and during the period above referred to there were six removals and one resignation from such positions.

In the case of the separation of R. V. Williams from a clerical position in the office at Asheville, charges were preferred against him on the ground of incompetency, and he was informed that if he would resign the charges would be withdrawn. Upon a reference of the matter to the Treasury Department, it was stated in explanation of this that in Mr. Williams's case, as well as in several others, the opportunity to resign had been granted as a favor and not proposed as a threat; that although he was considered incompetent for the position which he occupied, the Department had no desire to lessen his chances of employment elsewhere, as would have been the case had he been removed from the service.

In addition to the numerous removals made, the right of assignment was exercised in such a manner that many resignations resulted. Men from one section were assigned to duty in another and distant section where they could find but little employment, their pay being per diem or by fees. Numerous complaints were

received of this practice, and the matter was a subject of correspondence with the Treasury Department, with what result is indicated by a letter of January 19, 1898, in connection with the complaint of J. H. Aiken, in which the Secretary of the Treasury states that the matter of assignment is one "over which the Civil Service Commission has no jurisdiction." Between July 1, 1897, and December 31, 1898, there were 144 resignations of persons occupying positions subject to competitive examination. (About 40 per cent of the entire force resigned.)

By this means, and by the many removals, an abnormal demand for eligibles for appointment has been created, which demand the Commission has been unable to satisfy on account of deficiency of competitors in its examinations in this district. As a result the Commission has been compelled to authorize many temporary appointments without examination. The number of these temporary appointments has almost kept pace with that of removals and resignations.

The case of Mrs. H. S. C. Fanning is in point. She was temporarily appointed on August 1, 1897, without examination, as stenographer and typewriter, pending the establishment of an eligible register by the Commission. In due course such a register was established and the fact was notified to the Treasury Department and the collector, and Mrs. Fanning's separation and a call for certification to fill the vacancy requested. No action resulted; and despite the frequent protests of the Commission Mrs. Fanning is still in the service, her position being, in the language of the collector, "deputy collector—no more, no less."

As more fully illustrative of the conditions existing in this district, and perhaps in part explanatory of some of them, the following extract is published from a report made by a representative of the Commission who recently visited Asheville for the purpose of examining thoroughly into the conditions there existing with a view to arranging for an examination for the temporary storekeepers and gaugers there employed:

The Fifth internal-revenue district of North Carolina comprises the mountain section of the State, and covers an area of about 20,900 square miles. Scattered throughout this section are over 300 distilleries known to the Internal-Revenue Service as "3-bushel" distilleries, the output of which is not more than 20 gallons per diem. Under the regulations of the Internal-Revenue Service one or more storekeepers must be assigned to duty at each distillery before the distiller can commence operations. The principal duties are those of watchman. The storekeeper is required to guard and protect the interests of the Government.

At these small distilleries the salary fixed by law can not exceed \$2 per diem. The distilleries at which these storekeepers and gaugers are employed are scattered throughout the territory of this district, and very few of them are accessible to the usual modes of conveyance, many of them being accessible only by climbing mountain sides and traversing thickly wooded sections. It would be utterly impossible for a person not thoroughly familiar with the country to reach many of these distilleries, in fact I found that many of the revenue officers themselves were unable to visit these distilleries without the aid of a guide. It is estimated that there is more blockade whisky made in this section of the country than in all other internal-revenue districts combined. Raids are frequent, and it was only the week prior to my visit that a sheriff who accompanied a posse of men on a raid was killed by a moonshiner.

While the men selected for employment as storekeepers and gaugers must be able-bodied and fearless, it is a fact that young men with any ambition at all in life do not seek employment in the capacity of storekeepers and gaugers, as it is more or less demoralizing, and certainly affects their social standing in the community.

While the men thus far appointed are as a rule strong, and so far as known honest, and have been able to do the work required, yet it is not believed any one of them could pass the present first-grade examination provided for appointment to the Internal-Revenue Service.

#### Atlanta (Ga.) Internal-Revenue District. File 803 S.

While the history of this office is not voluminous and does not present striking irregularities when compared with some other offices, it possesses some features which illustrate very well the peculiar difficulties which the Commission encounters almost solely in connection with the Internal-Revenue Service.



There are, according to the latest information now obtainable by the Commission, eighty-eight positions in this district which are in the classified service and subject to competitive examination. During the period of July 1, 1897, to December 31, 1898, there were twenty-four persons (or about 27 per cent of the whole force) removed from such positions. During the same period seventeen persons (or about 19 per cent of the whole force) resigned. The total separations, during the period mentioned, from positions subject to competitive examinations amounted to about 44 per cent.

In the latter part of 1897 the temporary appointments of R. F. Burdette, W. H. Matthews, and J. H. Davenport were authorized in the absence of an eligible register. Subsequently an eligible register was established and the collector was called upon to report the removal of the temporary appointees or to state the authority for their continued retention in the service. A second call for information on this subject elicited a reply under date of July 6, 1898, to the effect that on May 19, 1898, the collector had written to the Commission on the subject through the Commissioner of Internal Revenue. The letter having never reached the Commission, on July 13, 1898, request was made upon the Treasury Department that it be forwarded, but no reply to the Commission's letter has been received, and Messrs. Burdette, Matthews, and Davenport appear upon the records of the Commission as serving under temporary appointments which, under the law, should long since have expired. On October 17, 1898, the Commission laid the facts before the Auditor for the Treasury Department with a view to the disallowance of the pay accounts in these cases.

In July, 1898, a report was received from the collector showing appointments of Paul Davis, J. C. Vigol, and Theodore Basch to positions as stamp deputies, which under Rule VI would be excepted positions to be filled subject to noncompetitive examination. In the list of excepted places in the Internal-Revenue Service furnished by the Treasury Department but one stamp deputy is named for this district. Therefore in its letter of July 18, 1898, the Commission laid the facts before the Secretary of the Treasury with request for authoritative statement as to the status of these positions, and inquiring as to the desire of the Department to have the appointees examined noncompetitively under Rule VI. The Commission has been unable to obtain from the Department any reply to this communication, and in the absence of authoritative statement of the excepted nature of the positions, and examination as required by Rule VI, the Commission is compelled to regard these persons as holding positions in the service without due authority of law.

On May 17, 1898, the collector reported the permanent appointment of Calvin McCarthy (who failed in the Commission's regular examination for the Internal-Revenue Service). The collector was duly called upon to show authority for the appointment without previous certification of Mr. McCarthy, in view of the existence of an eligible register fully capable of supplying all the needs of the office. His reply was that "authority for the appointment was given by the honorable Commissioner of Internal Revenue." The matter was also referred to the Secretary of the Treasury by the Commission's letter of July 5, but the Commission has been unable to obtain any reply to its communication.

#### **Austin (3d. Tex.) Internal-Revenue District. File 804 S.**

In this district, according to information now obtainable by the Commission, there are fourteen positions, appointments to which are subject to competitive examination. During the period from July 1, 1897, to December 31, 1898, there were eight removals and one resignation from such positions, making a total of about 63 per cent of the entire force separated from the service.

On April 4, 1898, Webster Flanagan was appointed to the collectorship of this district. On the same date five temporary appointments were made to nonexcepted positions without authority from the Commission, there being at that time a register of eligibles from which appointments might have been made in due form. The Commission called upon the collector and the Secretary of the Treasury for an

explanation and statement of authority for these appointments, the same not having been made in accordance with the civil-service rules. Although a second call for information on this subject was made upon the Treasury Department, no reply has ever been received to the Commission's communication. On October 17, 1898, the facts in the case, together with the names of those thus illegally appointed, were reported to the Auditor for the Treasury Department with a view to the disallowance of their pay accounts.

In like manner a report from the collector in June, 1898, showed the appointments of J. E. Oldright and C. A. Windus to excepted positions in the district. The Commission, having received no other information on the subject, at once laid the facts before the Secretary of the Treasury, and requested information as to the status of the positions, inquiring whether it was the desire of the Department to have the positions designated as excepted from competitive examination and the appointees examined noncompetitively under Rule VI. In reply the Commission was informed that the matter had been referred to the Commissioner of Internal Revenue, and nothing further has been heard on the subject, although repeated calls have been made upon the Department for information.

L. H. Coley, who was removed from the position of field deputy, complained to the Commission of having been removed without cause. Mr. Coley's complaint was referred to the Treasury Department with inquiry as to whether he had been furnished with written charges and been given opportunity to defend himself before removal, as required by section 8 of Rule II, but the Commission has been unable to obtain any reply to its communication.

#### **Baltimore (Md.) Internal-Revenue District. File 805 S.**

According to the best information obtainable by the Commission there are one hundred and twenty-two positions in this district, appointments to which are subject to competitive examination. During the period from July 1, 1897, to December 31, 1898, sixteen persons, or about 13 per cent of the entire force, were removed, and seven persons, or not quite 6 per cent of the entire force, resigned from such positions.

In the Commission's fourteenth report, on pages 326-327, a brief summary of the facts in regard to the administration of the civil-service rules in this district is given.

Allusion is there made to the removal of twelve deputy collectors on September 30, 1897, and the subsequent reinstatement in November, 1897, of seven of the deputies so removed. These reinstatements, however, were made without authority of the Commission, and on January 19, 1898, the Commission called the attention of the Secretary of the Treasury to this fact and stated that upon receipt of the usual request for reinstatement certificates, it would give the matter prompt consideration. On February 2, 1898, Assistant Secretary Vanderlip replied that the collector had been advised that if he desired the reinstatements to be permanent he should apply for reinstatement certificates from the Commission. The Commission replied, on February 9, that, whether permanent or temporary, the law required that all reinstatements to classified positions should be authorized by the Commission, and requested that the necessary information be given and the proper action taken. The Commission has made frequent calls for a reply to this communication, but has thus far failed to receive one.

On April 1, 1897, Mr. George W. Snyder was temporarily appointed deputy collector without authority from the Commission. At the time there were thirty-eight eligibles registered by the Commission, and the collector was called upon for a statement of the reason and the authority for the appointment of Mr. Snyder without examination and certification. In reply the collector stated that Mr. Snyder had been appointed for special service in Alleghany and Garrett counties in connection with the oleomargarine law, which was being flagrantly violated in that region; that he was particularly fitted for the work required by reason of his past experience as a

commercial traveler and his acquaintance with the people of the region, among whom he had been reared. The collector stated that Mr. Snyder's had been an emergency appointment for thirty days only, but that he had not completed all the work required at the end of that time, and hence it was necessary to continue the appointment. The Commission then, on June 1, inquired whether Mr. Snyder was still in the service. In reply the collector stated that the Commission's letter had been referred to the Commissioner of Internal Revenue. The Commission has been unable to obtain further information in regard to the matter.

On May 20, 1898, six temporary appointments were made without authority from the Commission, there being at that time thirty-five eligibles available for regular appointment. The matter was duly made the subject of correspondence with the collector and with the Secretary of the Treasury, but despite frequent efforts the Commission has been unable to secure any action by the Department, and the irregularity attending these appointments remains unremedied.

On October 17, 1898, the facts in connection with these six appointments, as well as the appointment of Mr. Snyder, referred to above, were laid before the Auditor for the Treasury Department with a view to the disallowance of pay for services thus rendered without authority of law.

The collector, in his report of changes in the service for the month of May, 1898, included the appointment of H. Clay Dobson as stamp deputy. The position of stamp deputy being subject to noncompetitive examination under the provision of Rule VI, the Commission, having received no other information of this appointment, inquired of the Secretary of the Treasury as to whether the position was officially designated as excepted, and whether it was the desire of the Department that the necessary noncompetitive examination be given Mr. Dobson. To this communication the Commission has failed to receive any reply.

#### **Birmingham (Ala.) Internal-Revenue District. File 806 S.**

During the period from July 1, 1897, to December 31, 1898, there were six removals and seventeen resignations from positions subject to competitive examination, making a total of about 64 per cent of the entire force separated from the service.

On March 24, Mr. A. K. McLeod wrote to the Commission in part as follows:

I have been in the service for five years, but have been recently notified by Collector J. H. Bingham, Birmingham, Ala., that he desires my resignation in order to give place to a Republican. No charges are brought against me. On the other hand, he tells me I am an efficient officer, and my services are fully satisfactory, but that the pressure from the Republicans is so great that he is going to remove me, a Democrat.

In reply to inquiry by the Commission, Mr. McLeod said that he would be willing to make affidavit to the facts stated in the above quotation. The records show that Mr. McLeod was finally removed on June 15, and on June 21 the Commission referred Mr. McLeod's complaint to the Treasury Department for consideration, but has received no reply thereto.

On May 16, Richard R. Slaughter wrote to the Commission complaining that he had been unassigned since December 23, 1897, and that the collector had said that "he never intended to place a Democrat on duty that was off; that he had the power and plenty of Republicans who had passed the examination, and he meant to put out the Democrats as fast as he could replace them with his own sort of men;" and that he was compelled to pursue this course because of political pressure brought to bear upon him.

The matter of assignment to duty being one which relates entirely to the internal administration of an office, the Commission could only forward to Mr. Slaughter a copy of the law and regulations on the subject of removals and reductions and advise him that if it were charged, with offer of proof, that these regulations had been violated, the Commission would then be in position to investigate the matter.

On December 2, 1898, Mr. A. D. Holcomb advised the Commission that he had been removed from the position of gauger in Mobile, Ala., on account of his having per-

mitted his bond to lapse in June, 1898, but stated that he was prepared to execute a new bond if permitted to do so, and requested that he be reinstated to his position. In reply Mr. Helcomb was advised that if he was removed on account of having neglected to renew his bond, that was a matter pertaining to the internal administration of the service, over which the Commission had no jurisdiction.

**Boston (3d Mass.) Internal-Revenue District. File 807 S.**

The records of the Commission show that little more than 7 per cent of the force in this district have been removed from the service during the period from July 1, 1897, to December 31, 1898; and that during the same period about 11 per cent of the force have resigned.

On December 16, 1897, request was received from the Treasury Department for certification of deputy collectors (female) with knowledge of stenography and typewriting. In the absence of an eligible register of persons residing in the locality especially examined for this internal-revenue district from which certification could be made, the Commission authorized the temporary appointment of Miss Elizabeth C. Flanagan, on December 20, 1897, as deputy collector to perform the duties of stenographer and typewriter.

On January 29, 1898, the Commission held an examination to provide eligibles for this position, and this examination Miss Flanagan entered. She failed, however, to attain an eligible grade therein. Though an eligible register resulted from this examination it contained the names of less than three persons, and the Commissioner of Internal Revenue declined to make appointment from the certification which the Commission issued on April 27. On May 9 a letter was received from the Department showing that the collector had stated that "during the period that had elapsed since the request by that office the necessity for the services of a deputy employed exclusively as stenographer and typewriter in that district had ceased, and the request for certification was withdrawn." Thereupon the Commission's previously issued certification was canceled, and it was presumed that Miss Flanagan would be separated from the service. Receiving no report of her separation, the Commission called upon the collector, by letter of June 3, for such a report of separation. On June 16 the collector replied that Miss Flanagan was employed as deputy collector in the office of Gen. F. B. Sewell, revenue agent.

Although the illegal retention of Miss Flanagan was the subject of continued correspondence she was not separated from the service, and on his visit to Boston, in September, Commissioner Brewer found her still employed there. After going over the matter with the collector, Commissioner Brewer informed him that unless Miss Flanagan was separated from the service, or her appointment made in accordance with law, it would become the duty of the Commission to lay the facts before the Auditor for the Treasury Department with a view to the disallowance of the collector's accounts for her compensation. On December 2, Miss Flanagan continuing in the service without authority of law, the Commission wrote to the collector that unless she should be separated without delay the Commission would feel compelled at once to take the action above referred to. A full statement of the facts in the case was on December 14, 1898, submitted to the Secretary of the Treasury with the request that prompt action be taken in regard to her separation from the service. In reply, the Secretary of the Treasury referred, under date of January 24, 1899, without comment, a letter from the Commissioner of Internal Revenue, to whom the Commission's letter had been referred, in which he stated that "in appointing and retaining Miss Flanagan as deputy collector the collector had exercised his prerogatives under section 3148, R. S.;" and that his office would not "without instructions to that effect from the President, exercise the disciplinary power vested by law in the Commissioner of Internal Revenue, for the enforcement of rules whose legality has been questioned, nor for any purpose not directly connected with the administration of the internal-revenue laws."

On May 2, 1898, eight persons received temporary appointments in this district without the authority of the Commission. On June 30 seven more such appointments were made. The information as to these appointments did not reach the Commission until the latter part of July, owing to delay on the part of the collector in forwarding his regular monthly report of changes in the service. Upon receipt of the information, however, the Commission called the attention both of the collector and of the Treasury Department to the irregularity of the appointments as made and asked that an explanation be furnished and a remedy applied. Despite the efforts of the Commission to bring about an observance of the law in this connection these temporary appointees were retained, and so far as the Commission's information at present extends they are still in the service without authority of law.

**Burlington (4th Iowa) Internal-Revenue District. File 809 S.**

The collector reported the appointment of William S. Moore July 7, 1898, and of Ruth Rice and M. Smith on September 9, as stamp deputies. These positions being capable of being excepted from competitive examination and made subject to non-competitive examination in accordance with provisions of Rule VI, the Commission communicated with the Treasury Department on the subject and inquired whether it was the desire of the Department that they should be officially designated as excepted, and that the necessary noncompetitive examinations be given in order that the appointments made might be duly authorized in accordance with law. The efforts of the Commission have failed to elicit a reply from the Treasury Department.

**Camden (1st N. J.) Internal-Revenue District. File 811 S.**

In the Commission's Fourteenth Report, page 325, allusion is made to the temporary appointment on November 23, 1897, of three deputy collectors (Charles H. Ellis, jr., Thomas J. Austin, and Adolph Ernst) in this district without the authority of the Commission and without examination and certification, at a time when the names of eligibles were available for selection. As there stated, the matter was brought promptly to the attention of the Treasury Department, with request for the separation from the service of these irregular appointees. The repeated requests of the Commission failed to cause action to be taken by the Department, and on October 17, 1898, the facts in the case were laid before the Auditor for the Treasury Department with a view to the disallowance of the pay accounts of these employees.

**Chicago (1st Ill.) Internal-Revenue District. File 812 S.**

The removals in this district during the period from July 1, 1897, to December 31, 1898, amounted to about 8 per cent of the entire force.

A statement of the facts in connection with the removal of Deputy Collector John McKee, on September 13, 1897, will be found on pages 324 and 325 of the Commission's Fourteenth Report.

In his report of changes in the service for the month of April, 1898, the collector included the temporary appointment, on April 1, of Frank E. Hemstreet, and on April 20 of George W. Trowbridge. These appointments were made without the knowledge of the Commission, and as there was at that time a register of eligibles amply sufficient for the needs of the service, the appointments could not be approved. The Commission, therefore, on May 2, brought the matter to the attention both of the collector and the Secretary of the Treasury, asking for a statement of the authority under which the appointments were made. In reply the Commission received a letter from the collector, under date of May 26, from which the following is quoted:

*In due time this office notified the honorable Commissioner of Internal Revenue that owing to the resignation, taking effect on the last day of March, of Thomas G. English, commissioned deputy collector, in this district, and assigned for duty in charge of oleomargarine and filled cheese manufacturers and dealers, also in charge of records 62 and 92, the exigencies of the service required that said place should be promptly filled. In the absence of necessary certification of list of eligibles for the place mentioned, I selected Frank E. Hemstreet for temporary appointment to the*



place mentioned and commissioned him deputy collector, taking effect on and after April 1, 1898. The party selected was well qualified for the position, as he had acquired both a practical and theoretical knowledge of the duties while serving in the capacity of special officer under direction of the revenue agent in this district, and I believed my action in this case in conformity with instructions given in paragraphs 12 and 13 of Rule VIII, civil-service rules, pages 60 and 61, Thirteenth Report of United States Civil Service Commission. My action received the approval of the honorable Commissioner of Internal Revenue.

As to George W. Trowbridge, I am under the impression that his name should not have been reported on my report of changes for the month of April, for the reason that said party is only temporarily appointed to special duty under the revenue agent, on a temporary allowance granted this office, commencing April 20, and which allowance, I am advised by the honorable Commissioner of Internal Revenue, in letter dated the 16th instant, will be discontinued on the 31st instant. The party selected was commissioned by me as deputy collector, at the suggestion of the honorable Commissioner of Internal Revenue.

In view of the fact that the sections of Rule VIII referred to by the collector permit temporary appointments, when necessary, only in case of the inability of the Commission at the time to make certification of eligibles, and the further fact that though at the time of these appointments the Commission actually had a register containing the names of 65 persons eligible for appointment to such positions it was not called upon to make certification, the Commission, on June 3, wrote to the collector calling attention again to the fact that these appointments had not been made in accordance with law. In its letter the Commission quoted the circular of the Secretary of the Treasury of November 24, 1897, to all collectors of internal revenue, ordering that the "existing rules relative to appointments of deputy collectors be complied with." The Commission inquired whether the services of Mr. George W. Trowbridge had actually been discontinued on May 31. In the collector's reply, on June 13, he stated that Mr. Trowbridge had not been separated from the service on May 31, but had been retained awaiting further orders from the Commissioner of Internal Revenue, as directed by him. In regard to the appointment of Frank E. Hemstreet, he stated that he had not received the Treasury Department circular of November 24, which was quoted by the Commission, but had received a circular letter, from which he quoted as follows:

You are hereby advised that the Secretary of the Treasury has decided to make all appointments and reinstatements of clerks in the Internal Revenue Service.

These appointments will be made upon the recommendation of the Commissioner of Internal Revenue, and all correspondence relating thereto will be conducted through this office as heretofore.

In his report of changes in the service for the month of May, 1898, the collector included the temporary appointment, on May 17, of Joseph A. Painter. There having been an ample register of eligibles at that time and the Commission not having authorized this temporary appointment, call was made upon the collector to state the authority under which such temporary appointment had been made. On July 16 the collector replied—

That said temporary appointment of Joseph A. Painter, to fill the place temporarily vacated by William W. Peckham, transferred for temporary service as cashier during the absence of John McFadden, engaged in military service of the United States, was filled by authority set forth in Treasury Department Circular No. 66, dated April 14, 1898, signed by Lyman J. Gage, Secretary of the Treasury.

My action in this case was reported to the honorable Commissioner of Internal Revenue, as required by Department regulations. No disapproval has thus far reached this office from the latter officer.

In reply, the Commission, under date of July 23, called the attention of the collector to the fact that the only appointments that can be made by an appointing officer without previous approval by the Commission are the emergency appointments for thirty days, as authorized by section 12 of Rule VIII; that a temporary appointment for longer than thirty days required the antecedent approval of the Commission; and that as Mr. Painter had already been in the service more than thirty days the Commission could not consent to his further retention.



In his report of changes in the service for the month of August, the collector included the temporary appointment, on August 1, of Frank Meyers. There being an ample register of eligibles at that time, and no authority for such temporary appointment having been given, the Commission brought the matter to the attention of the Treasury Department and of the collector, calling for a statement of the authority under which such temporary appointment had been made. No reply has been received to either of these communications.

The Commission, having failed to effect the separation from the service of any of these deputies, on October 17, 1898, laid before the Auditor for the Treasury Department the facts in regard to the appointment of Messrs. Hemstreet, Trowbridge, Painter, and Meyers, with a view to the disallowance of pay for services rendered by them without authority of law.

#### **Cincinnati (1st Ohio) Internal-Revenue District. File 813 S.**

There are in this district one hundred and ten classified positions, of which six are excepted from competitive examination. During the period from July 1, 1897, to December 31, 1898, there were two removals and five resignations from positions subject to competitive examination and six removals from excepted positions.

In compliance with a request from the Treasury Department the Commission, on November 9, 1897, gave a noncompetitive examination to Hugh Murphy, George C. Deckebach, Thomas Fittan, Frederick Schlenker, Thomas H. Wilson, and John Schraffenberger to test their fitness for appointment, under Rule VI, to positions excepted from competitive examination. In this examination all except Mr. Murphy failed to attain an eligible grade, and the Commission, therefore, in reporting to the Treasury Department and to the collector the result of the examination, requested to be advised of the separation from the service of Messrs. Deckebach, Fittan, Schlenker, Wilson, and Schraffenberger. In his reply the collector requested that the action desired by the Commission be not insisted upon without a further test, for the reason that the deputies above-mentioned had already been instructed in and had become familiar with their respective duties, and were faithful and efficient in the discharge of the same, and that a change would result in the disorganization of the force for at least several months. In reply the Commission pointed out that while, by agreement with the Treasury Department, it permitted appointments under Rule VI to be made subject to a subsequent examination, the terms of that rule required that such appointees should pass an examination equivalent to that required in the open competition for positions of the same grade, and that as these persons had failed in such an examination the Commission was without authority to approve of their further continuance in the service.

On January 13, 1898, J. C. Banks was temporarily appointed storekeeper in this district, without authority from the Commission, there being a sufficiency of eligibles to meet all the needs of the service at that time. The matter was brought to the attention of the collector and the Secretary of the Treasury, with request that steps be taken which would result in Mr. Banks's separation from the service. In his reply the Secretary of the Treasury quoted from a letter of March 16, from the Commissioner of Internal Revenue, as follows: "There has been no temporary appointment of storekeeper made in the First district of Ohio. Mr. Banks has been designated to act as storekeeper temporarily, under section 3155, R. S. This section has nothing to do with appointments and is not affected by civil-service rules in any manner whatever." The collector, however, in his reply, dated March 21, stated that Mr. Banks's services were discontinued at the close of business on March 17, and no further action was taken in the matter by the Commission.

On August 16, 1898, William F. Schiebel was temporarily appointed deputy collector. At that time there were on the registers of the Commission the names of sixty-eight persons eligible for appointment to such a position, and no authority had been given for such a temporary appointment. The Commission therefore brought the matter to the attention both of the Secretary of the Treasury and of

the collector, with request for statement of the authority under which such appointment had been made. In his reply the collector said: "Deputy collectors are appointed under the authority granted to collectors by section 3148, R. S., and all information concerning such appointments made in this district is promptly reported to the Honorable Commissioner of Internal Revenue, the records of whose office will fully show the facts in regard to the same." No reply has been received to the Commission's communication addressed to the Secretary of the Treasury on this subject.

**Cleveland (18th Ohio) Internal-Revenue District. File 814 S.**

During the period from July 1, 1897, to December 31, 1898, there was one removal and one resignation from positions subject to competitive examination, or a total of about 7 per cent of the entire force separated from the service. During the same period the occupant of one of the two positions excepted from competitive examination resigned.

The records of the Commission show that Levi W. Finley was appointed, without authority from the Commission, as deputy collector on August 2, 1897, the collector claiming the right to make such appointment either as an "emergency" appointment or under the provisions of Rule VI. The Commission having several times brought the matter to the attention of the Treasury Department, the Commissioner of Internal Revenue, on March 17, informed the collector that the records did not show that the status of Mr. Finley had been defined under the civil-service rules, and that unless his position was excepted under Rule VI he would have to be separated from the service, and asking whether it was the desire of the collector to have the position officially designated as excepted. The Commission, on March 29 and again on July 7, made inquiry of the Secretary of the Treasury as to the action taken. No reply was received to these communications, but the Commission's records, since completed, show that Mr. Finley was finally removed from the service on June 30, 1898.

The appointment, on March 31, of Alonzo E. Hyre as deputy collector, under Rule VI, was included in the collector's report of changes in the service for the month of March, 1898. The Commission was without information of a vacancy in any position designated as excepted under Rule VI, and had neither examined nor been requested to examine Mr. Hyre noncompetitively. Accordingly, the attention of the Treasury Department was drawn to the matter on April 12, and an explanation requested. To this communication the Commission has been unable to obtain any reply.

On May 14, 1898, the Commission received a letter from the law firm of Case, Monnot & Whitacre, of Canton, Ohio, dated May 10, in behalf of Mr. Edward V. McCloskey, who, it was claimed, had been discharged from the position of storekeeper and gauger, at Mogadore, Summit County, Ohio, for purely political reasons. A copy of the charges against Mr. McCloskey accompanied the letter, and indicated that they had been made in due form, and that the accused had been given ten days in which to make his defense. The Commission replied, pointing out that the provisions of section 8 of Rule II had been complied with, inasmuch as Mr. McCloskey had been given ample opportunity to answer the charges against him, which had been submitted in writing, and stated that if it was proved, as charged, that Mr. McCloskey had been "engaged in distributing political cartoons and campaign literature, had made himself conspicuous in local political affairs, had publicly criticised and denounced the present administration of the Federal Government, had been engaged during the Presidential campaign of 1896 in organizing political clubs and had by his own acts and public utterances rendered himself an offensive partisan, he had apparently violated the Presidential warning against the use of official position to control political movements;" and that if this was "considered by the Treasury Department a delinquency or misconduct within the meaning of Rule IX, the matter of his removal was one which related entirely to the

internal administration of the Department and over which the Commission had no control."

The Commission further stated that it did not seem, from the information at hand, that the Commission was authorized to take action upon the proposed removal of Mr. McCloskey unless it could be shown that such removal involved a violation of section 6 of Rule II, which provides that in making removals or reductions or in imposing punishment for delinquency or misconduct penalties like in character shall be imposed for like offenses, and action thereupon shall be taken irrespective of the political or religious opinions or affiliations of the offenders. Nothing further has been heard either from Mr. McCloskey or from Messrs. Case, Monnot & Whitacre, and no further action has been taken in this matter.

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**Columbia (S. C.) Internal-Revenue District. File 815 S.**

In this district during the period from July 1, 1897, to December 31, 1898, fifteen persons, or about 38 per cent of the entire force, were removed from positions which were subject to competitive examination.

Throughout this period the Commission has experienced great difficulty in obtaining from the collector regular monthly reports of changes in the service, and on March 23, 1898, called the attention of the Secretary of the Treasury to the fact that reports had not been received for the last four months, and requested that the collector be directed to forward his reports at once. On April 1 the Secretary of the Treasury advised the Commission that he had directed the collector "to make such monthly reports and to comply strictly with the requirements of the civil-service rules so long as they shall remain in force." On April 2 the Commission wrote to the collector, referring to the letter of the Secretary of the Treasury and calling for reports of changes in the service during the months of November and December, 1897, and January, February, and March, 1898. These reports were received during the latter part of April, and showed the temporary appointment, without the authority of the Commission, of the following persons: Edmund H. Deas and John H. Fordham (appointed November 22, 1897), Elias Day (February 7, 1898), Benjamin F. Means (March 17), James A. Brier (March 23), James H. Johnson (March 18), Lafayette F. Goldsmith, and Henry Sims (January 3, 1898).

The Commission had not been called upon for certification or asked to authorize temporary appointments, and the monthly reports which had been obtained with so much difficulty gave the first information the Commission had received of these appointments. An investigation of the records showed that there were at the time of the first of these appointments, and had been ever since, six persons eligible for regular appointment in this district. It was therefore impossible for the Commission to authorize these temporary appointments under the law, and accordingly the matter was at once brought to the attention of both the Secretary of the Treasury and the collector, with a request for a statement of the authority under which such appointments had been made. On May 16, the collector replied, as follows:

I have the honor to state that on taking charge of this district on the 22d of November, 1897, I appointed and commissioned, among other deputy collectors, J. H. Jordham [Fordham] and E. H. Deas, and that all of my deputies were appointed and commissioned by virtue of authority conferred upon the collector of internal revenue by sec. 3148 R. S., U. S.

The other appointments referred to in your communication were merely temporary designations of storekeepers and gaugers, made in accordance with custom prevailing in this district, except that of James H. Johnson, clerk in the collector's office. This was an emergency appointment occasioned by the resignation of Miss E. J. Thompson.

To this letter the Commission replied, on June 2, calling attention to Treasury Department circular of November 24, 1897, ordering all collectors of internal revenue to comply with "existing rules relative to the appointment of deputy collectors."

*The Commission has been unable to obtain a reply to its letter to the Secretary of the Treasury on this subject, and, so far as it is informed, these employees are still in*

the service. On October 17, 1898, their names, together with the names of others appointed in a similarly irregular manner, were forwarded to the Auditor for the Treasury Department with a view to the disallowance of pay for services rendered without authority of law.

The difficulty in obtaining reports from the collector of this district continued, and it was not until the Commission had made another special request, on September 24, that the reports for April, May, June, July, and August, 1898, were received.

**Covington (6th Ky.) Internal-Revenue District. File 816 S.**

During the period from July 1, 1897, to December 31, 1898, there were thirty-two removals and three resignations from positions subject to competitive examination, making a total of more than 40 per cent of the entire force separated from the service.

In this district, as in many others, following the example set by Collector Brady, of the Second district of Virginia, the collector held that the commissions of deputy collectors expired with that of the collector by whom they were issued, and refused to recommission the deputies of his predecessor, with the exception of one man, to whom he gave a temporary commission which he declined to renew upon its expiration. The collector also claimed authority, under section 3148, Revised Statutes, to commission all deputy collectors himself, and accordingly, on February 2, 1898, he commissioned his entire office force as "deputy collectors." This right of appointment claimed by collectors under section 3148 is discussed in the Commission's Fourteenth Report, and also elsewhere in this report at page 290, *et seq.*

Complaint has been made here as in other districts that removals are frequently made on the ground of the internal-revenue regulation that the number of persons holding commissions and unassigned to duty shall not exceed 15 per cent of the assigned force, and that very soon afterwards, when the force has to be increased, this is done by making entirely new appointments instead of by reinstatement of those previously removed. While the intent of such a course is very often more or less apparent from the fact that those removed are generally of a different political party from that of the collector, while those soon afterwards appointed are of his own party, each step in the operation which results in a practical violation of the spirit of the civil-service law has been itself in strict accordance with the law, and the Commission can but deplore its inability to apply a remedy for a condition whose existence it is forced to recognize.

**Dallas (4th Texas) Internal-Revenue District. File 817 S.**

During the period from July, 1897, to December 31, 1898, there were five persons, or about 31 per cent of the entire force, removed from positions subject to competitive examination. An investigation made in this connection by a representative of the Commission, in October, 1897, is referred to at page 327 of the Commission's Fourteenth Report.

Reference is there made also to the temporary appointments of Charles C. Flanagan, A. McCampbell, and William Hageman, without authority from the Commission. On March 29, 1898, the Commission communicated with the collector, inquiring if these persons had been separated from the service. Upon receiving a negative reply, the Commission, on April 13, brought the matter to the attention of the Secretary of the Treasury, requesting that as these persons had been several months in the service without authority of law, their appointments be terminated and the vacancies filled through certification. To this communication the Commission has been unable to obtain a reply.

On October 17 the Commission reported the names of these employees, together with those of others appointed in a similarly irregular manner, to the Auditor for the Treasury Department, with a view to the disallowance of pay for services rendered.



**Danville (8th Ky.) Internal-Revenue District. File 850 S.**

In March, 1898, the headquarters of this district was removed from Richmond, Ky., to Danville, Ky.

During the period from July 1, 1897, to December 31, 1898, there were ninety removals and eleven resignations from positions subject to competitive examination, making a total of over 90 per cent of the entire force separated from the service. During the same period there were one removal and four resignations from positions excepted from competitive examination, of which there are but five in the district.

Several complaints were received by the Commission from persons who had been removed by the collector, charging that while the ground of their removal was that there were more gaugers and storekeepers than were authorized by the regulations, no regard was had to competency in making the necessary removals to reduce the force, and that new appointments were being made wholly of men of one political faith. These complaints were referred to the Secretary of the Treasury. In his reply the Secretary of the Treasury said:

This office will endeavor to do exact justice where complaints for unfair or illegal treatment (well defined and well supported by evidence) are made, but it is manifest that where discretion is lodged in this office as to the number of any class officials "indispensably necessary for the performance of (said) duty," it is respectfully suggested it is not intended that the proper exercise of such discretion should be subject to review by your Commission.

On December 1 the Commission wrote the Secretary of the Treasury as follows:

This Commission is in receipt of your communication of November 27, in answer to the Commission's communication of October 30, making inquiry respecting the reason for the removal of the ninety-one storekeepers and gaugers in the Richmond, Ky., internal-revenue district, "for the good of the service," as reported by the collector of that district. The letter from the deputy commissioner of internal revenue, which was inclosed with your letter, stated that the removals were made for the purpose of reducing the force of the district to a number approximate to the requirements of the service.

Under clause 8 of Rule II, the ninety-one persons referred to could only have been properly removed for just cause and after a full opportunity of explanation. The opportunity thus afforded to such persons of answering charges might have prevented their removals, but it appears that they were removed because their services were not necessary, thus practically abolishing the positions. The explanation given by the Deputy Commissioner of Internal-Revenue would, ordinarily, be accepted by the Commission as satisfactory, but with reference to this particular district, it appears that since the ninety-one removals were made "for the purpose of reducing the force of such district to a number approximate to the requirements of the service," the Commission has issued, in response to the formal requisitions from your Department, certificates to cover the reinstatements of eight persons to the grades of either gauger, storekeeper, or storekeeper-gauger in this district, not counting any which may have been issued during the month of November. It would, therefore, seem that within six weeks from the date of making the wholesale removals because the services of the persons so removed were not necessary, it was found that the district needed more employees of the storekeeper, gauger, or storekeeper-gauger grade, and eight persons were reinstated under the provisions of Rule IX.

The ninety-one positions having been abolished for the purpose of reducing the force to meet with the requirements of the service, as reported by the Deputy Commissioner of Internal Revenue, the Commission would be pleased to receive the Department's statement whether the eight positions referred to should be re-created in a little more than one month, and eight persons appointed by reinstatement. If so, a wide opening is made for violation of the President's order of July 27, 1897, and, if places are wanted, competent men can be dismissed from the service for the reason assigned in the cases of the ninety-one dismissals in the Richmond district. In the cases of removals made for the reason that services are no longer required, it would seem that some rule should be adopted by which any place made vacant for this assigned reason, or because the positions have been abolished, should be filled, if within one year, by the reinstatement of the persons so removed, and that opportunity for reinstatement should be given to each person so removed in the order of removal and that a written declination from the person removed should be furnished before the position could be filled by any other reinstatement or by appointment, or otherwise.

*The Commission knows nothing of the merits of the ninety-one persons separated in the Richmond district on September 21, but as they were not removed for ineffi-*

ciency or delinquency, it is fair to assume that their work was satisfactory. It would seem, therefore, that if the services of storekeepers, gaugers, or storekeeper-gaugers are now needed in the Richmond district, preference should be given to those persons who were removed without delinquency or misconduct when their services are needed.

To this communication no reply has been received.

The Commission does not claim that the course pointed out in this letter is mandatory by the rules, or that there was any violation of the rules in the action under consideration.

#### **Denver (Colo.) Internal-Revenue District. File 818 S.**

During the period from July 1, 1897, to December 31, 1898, no removals and but one resignation from positions subject to competitive examination were reported.

John R. Forrest was temporarily appointed deputy collector on August 7, 1897, without authority of the Commission. Upon learning of the appointment the Commission brought the matter to the attention of the Treasury Department, pointing out the illegality of the appointment and requesting that Mr. Forrest be removed and that the vacancy be filled from regular certification. Several letters of like tenor were addressed to the Department, but without result, until on February 1, 1898, the Department advised the Commission that "Collector Howbert had made request for certification of eligibles for the place now filled by emergency appointment." Certification was accordingly made, but on February 14 it was returned by the Assistant Secretary of the Treasury with the statement that the collector reported that John R. Forrest, the emergency appointee, was supposed to be eligible for transfer to the Internal-Revenue Service from the Post-Office Department, and that pending a decision in the case no selection would be made from the certification.

In reply the Commission stated that no request had been received by it for the transfer of Mr. Forrest, and that it did not appear from the facts before the Commission that he was eligible for such transfer; pointed out that his status in reference to transfer was independent of his status as an illegally appointed deputy collector, and would not be affected by his removal from the position which he improperly occupied; called attention to the fact that though Mr. Forrest had been several months occupying the position of deputy collector, and repeated requests had been made by the Commission for his removal, no request had been made until recently either for his transfer or for certification of eligibles from which to make regular appointment; and renewed its request for Mr. Forrest's removal. The Commission continued its protests against the further retention of Mr. Forrest in the service, on the ground that he had been appointed without authority of the Commission and during the existence of an eligible register, and that even if legally appointed he had already been in the service for a period in excess of that allowed by the civil-service rules for temporary appointments made without examination. The protests of the Commission, however, failed to effect the removal of Mr. Forrest, and on October 17, as a last resort, the Commission reported the facts in the case to the Auditor for the Treasury Department, with a view to the disallowance of pay for services rendered as deputy collector of internal revenue.

#### **Detroit (1st Mich.) Internal-Revenue District. File 819.**

During the period from July 1, 1897, to December 31, 1898, there were two removals and three resignations from positions subject to competitive examination in this district, making a total of about 26 per cent of the entire force separated from the service.

In October, 1897, Ben J. Fisher was appointed stamp deputy at Saginaw, Mich. The position being excepted from competitive examination under the provisions of Rule VI, the Commission, on November 9, examined Mr. Fisher noncompetitively, in accordance with request of the Treasury Department. Mr. Fisher failed to pass the examination, making only 64.30 per cent, and therefore, in reporting the result of the examination to the collector and to the Treasury Department, the Commission



requested to be informed of the date of Mr. Fisher's separation from the service, which had become necessary by reason of his failure in the examination. Collector Phelan, on January 24, declined to remove Mr. Fisher. The matter was repeatedly brought to the attention of the Treasury Department, in the endeavor to enforce the civil-service rules in connection with this case, but without effect, and Mr. Fisher was continued in the service, despite the Commission's protests.

**Dubuque (3d Iowa) Internal-Revenue District. File 820 S.**

On May 8, 1898, Deputy Collector Byron Webster forwarded to the Commission copies of correspondence between Collector J. W. Paterson and himself, showing that on April 22 the collector had requested Mr. Webster's resignation, to take effect April 30, stating that from information published by the Treasury Department he was led to believe that deputy collectors were to be appointed "by authority of the internal-revenue office, without regard to the existing 'blanket' order of President Cleveland;" that Mr. Webster had declined to resign as requested, stating that he wished rather to "let the operations of the law take their course;" that the collector had then notified Mr. Webster that his commission was revoked, to take effect May 15, and requested him to turn over all books, records, etc., to his successor; that Mr. Webster, in reply to this letter, denied the collector's right to remove him, except in accordance with the civil-service law, but acknowledged his right to demand possession of books, property, etc. In reply the Commission informed Mr. Webster of the requirements of the civil-service rules in regard to removals from positions subject to competitive examination, and stated that the matter would be brought to the attention of the Treasury Department. The matter was then referred to the Secretary of the Treasury, and his attention called to section 8 of Rule II, which provides that no removals shall be made from any position subject to competitive examination except for just cause and upon written charges, of which the accused shall have full notice and an opportunity to make defense.

From correspondence with Mr. Webster and others, as well as from the official report of changes in the service, it developed that P. E. Nary was permanently appointed by the collector on May 15, without examination and certification and without authority of the Commission, to succeed Mr. Webster. James Agnew and Edward W. Herron, who were upon the register of eligibles for that district, protested at the time against the appointment of Mr. Nary without examination and certification. The matter was duly brought to the attention of the Treasury Department and the collector, and a statement of authority under which Mr. Nary's appointment was made requested. In reply to the Commission's letter the collector said: "My authority for making the change referred to in your letter is section 3148, Revised Statutes, and letter from Hon. N. B. Scott, Commissioner of Internal Revenue, dated May 2, 1898."

Despite repeated efforts, the Commission has been unable to obtain any reply from the Treasury Department either in regard to Mr. Webster's removal or Mr. Nary's appointment.

On October 17, 1898, the facts in the case of Mr. Nary, together with others of a similar nature, were laid before the Auditor for the Treasury Department, with a view to the disallowance of pay for services rendered without compliance with the civil-service law.

**East St. Louis (13th Ill.) Internal-Revenue District. File 810 S.**

At this office there was but one removal and one resignation during the period from July 1, 1897, to December 31, 1898, from a total force of fourteen employees.

On March 1 and 10, 1898, D. J. Foley, collector's clerk, and secretary of the local board of civil-service examiners, complained to the Commission that he had been notified by W. H. Powell, the new collector, that Mr. Charles Rogers had been *appointed to succeed him as clerk in the office*. Mr. Foley stated that the collector *had declined to put his dismissal into writing*, stating that he had no charges to

make. The Commission (March 4) brought the matter to the attention of the Secretary of the Treasury with a request for a statement as to whether Mr. Foley had in fact been separated from the service, and if so, whether such separation had been in accordance with law. In reply the Commission was informed by the Secretary of the Treasury, in a letter dated March 30, that Mr. Foley had not been removed and that the collector had been notified through the Commissioner of Internal Revenue that such contemplated removal would not be countenanced by the Department unless made for just cause and in due accordance with law.

On November 28, 1897, the temporary appointment of Ira R. Clark, as storekeeper and gauger, was authorized, pending the establishment of an eligible register. On January 3, 1898, such a register of eligibles was established, and under the rules Clark's appointment should have expired by limitation by virtue of that fact. As, however, his separation was not reported by the collector at the time of the establishment of the eligible register, a letter was addressed to the collector on April 7, asking whether the said Clark was still in the service. Under date of April 12 the collector advised the Commission that Mr. Clark was still in the service, and stated further that inasmuch as he was one of the highest three eligibles the collector desired that he be permanently appointed. The collector's statement as to Mr. Clark's standing was in error, as he was the fourth eligible on the register, and was not, therefore, in line for the initial certification. On April 15 the Commission brought the matter to the attention of the Treasury Department, inquiring by what authority Mr. Clark was retained in the service.

In the course of the correspondence which followed, it was first stated by the Commissioner of Internal Revenue that his office contained no record of an appointment, either temporary or permanent, of Mr. Clark; but afterwards (May 4) it was stated that Clark did not hold and had not held "a commission" in any capacity in that district; that his "employment was simply a designation to have temporary charge of a distillery warehouse, under section 3155, without appointment or qualification by bond or otherwise;" and that "such employment did not constitute an appointment and was not subject to civil-service rules." Section 3155 merely authorizes the employment of temporary storekeepers during the absence of regular employees. Later (May 17) the collector took the same position as to the temporary designation of Mr. Clark not being an appointment, but followed with the statement that he had that day selected from regular certification Mr. Frank P. Haines to be appointed to the position being filled by the temporary designation of Mr. Clark.

In his report of changes in the service during the month of March, the collector included the temporary appointment of Madison B. Mann, on March 10. As the Commission had not authorized such appointment, there being at that time an eligible register from which appointment might have been made, the Commission on June 3 brought the matter to the attention of the Treasury Department and of the collector, requesting Mr. Mann's removal from the service. The Commission, having been unable to cause action by the Treasury Department on this matter, laid the facts before the Auditor for the Treasury Department on October 17, 1898, with a view to the disallowance of pay for services rendered without authority of the civil-service law.

Under date of August 8, 1898, the Commission received a communication from Mr. G. A. Koerner, attorney at law, Belleville, Ill., presenting the case of George W. Merker, gauger for the Belleville Distillery Company, against whom charges had been preferred by the distillery company on the ground of his incompetency, his incapacity for work, due to physical disability, and his refusal to do work on an occasion when such refusal caused several days' delay in the shipment of an order, and who had been notified by the Treasury Department that he would be dismissed on September 15. Mr. Koerner protested that Mr. Merker had been dismissed unjustly and in contravention of the civil-service law. Charges having apparently been submitted in due form and the accused given opportunity to reply to the same,

no infraction of the rules was evident, and the Commission could do no more than refer Mr. Koerner's letter to the Secretary of the Treasury for remark and return. No response has been received from the Secretary of the Treasury either to this or to a subsequent letter of Mr. Koerner on the same subject, which was referred to him on November 10, 1898.

**Hartford (Conn.) Internal-Revenue District. File 822 S.**

On September 20, 1898, Mr. Edgar N. Sloan, in a letter to the Commission, stated that the collector had requested his resignation as deputy collector, to take effect September 15; that he had informed the collector that he considered himself as within the classified civil service, and hence preferred to be dismissed rather than to resign; and that he had accordingly been dismissed by the collector. He stated that Collector Lake had informed him that no complaints of any kind had been made against him, and that his conduct as a public officer had been satisfactory. Mr. Sloan's letter was at once referred to the Secretary of the Treasury for remark and return. On September 29 the Secretary of the Treasury advised the Commission that the matter had been referred to the Commissioner of Internal Revenue, and that his report would be communicated to the Commission as soon as received. No further communication has, however, been received from the Treasury Department on the subject.

**Jacksonville (Fla.) Internal-Revenue District. File 824, S.**

There were no removals in this district during the period from July 1, 1897, to December 31, 1898, but during that time seven persons, or 70 per cent of the entire force, resigned from positions subject to competitive examination.

The appointments of Charles A. Collins, on August 14, 1898, as deputy collector, under Rule VI, and of Thomas Allen, jr., on June 1, as stamp deputy, were made the subject of correspondence with the Treasury Department to ascertain whether the positions had been officially designated as excepted and whether it was the desire of the Department to have the appointees examined in accordance with the provisions of Rule VI to test their fitness for the positions which they occupied. The Commission's inquiries have, however, failed to elicit any reply from the Treasury Department.

In the latter part of December, 1898, the Commission received, by reference from Senator Pasco, certain correspondence from Mr. H. Wolf, of De Funiak Springs, Fla., complaining of the appointment by the collector of several persons to the position of deputy collector without examination and certification, contrary to the civil-service rules, thus depriving Mr. Wolf of his right to certification as an eligible in that district and his consequent chance of appointment. In the absence of reports from the collector as to changes made in the service, the Commission had no official information of these appointments. The correspondence received from Mr. Wolf was, however, referred to the Secretary of the Treasury for remark and return, and Mr. Wolf and Senator Pasco so informed. The Commission's reply to Mr. Wolf states the condition of affairs not only at this, but at many other offices, and is typical of communications which the Commission has been under the necessity of making in reply to similar complaints from other districts. For this reason it is given below:

In reply to your letter of December 9, your attention is invited to the statement contained in the Fourteenth Report, of which a copy is sent herewith, of the position taken by this Commission in the matter of the alleged authority of collectors of internal revenue to appoint deputy collectors without regard to the civil-service act and rules. Since that report was printed appointments have continued to be made by collectors of deputies outside the examinations. The appointments made by Collector Lee are a further instance of the action of the collectors in disregard of the civil-service rules. This Commission has been powerless to prevent these appointments and to secure the just rights of eligibles on the registers. Your letter and its *inclosures* will, however, be referred to the Secretary of the Treasury for his remark, *although for nearly a year past the Treasury Department has paid no heed to protests*

of persons who have written to the Commission in complaint of the action of the collectors, or to the letters of the Commission itself. Numerous such letters, extending over many months, remain unanswered by the Department.

**Kansas City (6th Mo.) Internal-Revenue District. File 825 S.**

During the period from July 1, 1897, to December 31, 1898, there were five removals and two resignations from positions subject to competitive examination, making a total of about 17 per cent of the entire force separated from the service.

On August 31, 1898, Thomas H. Cox and W. T. Hickman, deputy collectors, were removed by the collector. They at once appealed to the Commission, claiming to have been removed without cause and without being confronted with charges and given an opportunity to make defense, as required by clause 8 of Rule II. The appeals were at once referred to the Secretary of the Treasury for remark and return, and the discharged deputies informed that as soon as the necessary information could be obtained from the Treasury Department they would be communicated with. Although repeated calls were made upon the Treasury Department, no replies have been received to the Commission's communications in regard to these removals.

On November 1, 1898, John B. Rogers, deputy collector, was similarly removed without being confronted with charges or given an opportunity to make defense. He also appealed to the Commission through the Hon. C. F. Cochran, and the case was referred to the Secretary of the Treasury for information and action. The Commission's repeated efforts did not avail to secure any reply from the Department.

**Knoxville (2d Tenn.) Internal-Revenue District. File 826 S.**

There were no removals from the service in this district during the period from July 1, 1897, to December 31, 1898, but during that period nine persons, or about 17 per cent of the entire force, resigned positions subject to competitive examination.

On pages 319 and 320 of the Commission's Fourteenth Report allusion is made to an investigation of this office made by a representative of the Commission in October, 1897, from which it appeared that appointments had been made without regard to the register of eligibles. The matter was at once brought to the attention of the Treasury Department, with a view to remedial action, but without result. Again, on January 12, 1898, a letter was addressed to the Secretary of the Treasury on the same subject. In reply the Secretary of the Treasury, on January 28, reported that one of the persons whose irregular appointment was complained of had resigned on December 31, 1897; that three others were upon the register of eligibles, and that one of them had already been probationally appointed from certification, while it was the intention of the collector to appoint the other two in like manner upon receipt of certification, request for which was then pending. One of these has since been regularly appointed from certification, but the records of the Commission show that the other was not an eligible, and his status is still in question.

**Lancaster (9th Pa.) Internal-Revenue District. File 827 S.**

On May 31, 1898, the following telegram was received by the Commission from Mr. L. S. Eisenhower, secretary of the local civil-service board of examiners at Lancaster, Pa.:

H. L. Hershey, the new collector of the ninth district of Pennsylvania, takes charge of the office at close of business to-day, and requests the resignation of all deputy collectors; says he will issue no commissions to those who do not resign. Advise promptly what to do, at our expense.

The Commission wired reply on the same day, merely quoting the substance of section 8 of Rule II.

Subsequent correspondence with a number of the deputy collectors indicates that the majority of them did resign as requested by the collector, but that such resignations were qualified by a reservation of "all the rights of the civil-service laws, rules, and regulations." Such resignations appear not to have been satisfactory to the collector, and he seems to have demanded unqualified resignations from the

deputies as a condition to their continuance in the service. The deputies declining to submit such unqualified resignations were notified by the collector that their resignations (already submitted) had been accepted, "to take effect" on a date named by himself, thus separating from the service, without voluntary resignation and without the preferring of charges, with opportunity to make defense, persons occupying positions subject to competitive examination, contrary to section 8 of Rule II.

In one or two cases, notably that of W. W. Trout, of Lewiston, resignations seem to have been submitted in accordance with the request of the collector and the incumbents seem to have been retained in the service from one to two months, without the issuance of a new commission by Collector Hershey. Either the doctrine maintained by the Treasury Department, that the commission of a deputy collector lapses with that of the collector issuing it, by means of which so many separations from the service have been effected, is false, or these men, serving without commissions from the present collector, were performing the duties of revenue officers without authority of law.

On June 17 Mr. J. R. King, who had taken the examination for deputy collector, and stood at the head of the Lancaster register with an average of 92.50, wrote to the Commission in part as follows:

The new collector for this district is Henry L. Hershey, of Harrisburg, Dauphin County, and he states to me that he will have six deputies to appoint in the Lancaster office. He takes the stand, however, that he is not obliged to select his deputies from the eligible list but can appoint men of his own choice regardless of the eligible list. His argument is, that since deputies are required to bond to him and not to the United States Government, he has the right to make his own appointments without paying attention to those who have passed the examination.

Evidence was also submitted by a number of eligibles to show that when they had inquired as to the probability of their appointment in case of vacancies they had been advised to secure the indorsement of local politicians. These charges were, however, flatly denied by the collector, and the fact also appears that none of his appointments were made from the eligible list, although such political indorsement was obtained by some of the eligibles.

A representative of the Commission visited Lancaster in October, 1898, for the purpose of inquiring into these matters. The facts brought out in this investigation, and the Commission's recommendation in the matter, appear in the following letter to the Secretary of the Treasury, dated November 11, 1898:

Your attention is invited to the inclosed report, with accompanying testimony, made by one of the Commission's force, of an investigation into charges of violations of the civil-service act and rules by the collector of internal revenue at Lancaster, Pa. The charges in brief are:

1. That certain of the deputy collectors were induced by specious representations to tender what it is alleged are resignations; these, as a precaution, were qualified on their face. The statements and promises made to them by the collector, when he obtained the so-called resignations, were misleading and unfair, and, in the circumstances, were, in effect, a fraud in law perpetrated to accomplish the early removal of the deputies for partisan reasons. This, it is claimed, has been clearly established, by the collector's statements to his deputies that he wanted their places for his political friends, and by the fact that the collector did not keep his alleged promises, but, on the contrary, treated the deputies as having unqualifiedly resigned, and when they persisted, he arbitrarily removed them, and appointed others in their stead without examination under the civil-service rules and who were his political friends. It is claimed that this being done while the office of deputy collector was yet within the classified service, constituted a direct violation of Civil-Service Rule II, section 3, punishable under section 1 of that rule, by dismissal from office.

On behalf of the deputies thus removed it is claimed that the so-called resignations are invalid because of the practices used in securing them, and further because the qualifying clause now renders them void.

Mr. Trout, one of the deputies removed and a veteran, says:

"I inclose you Mr. Hershey's letter requesting my resignation. Had it not been for the fact that he stated 'no commissions,' etc., would be issued to such as do not resign as above provided, I would not have complied with his request. Although I served under Mr. Hershey for two months, June and July, no commission was issued to me. Hence, the resignation was extracted by misrepresentations."



2. It is further charged that the collector advised eligibles on the register to secure political indorsement, particularly the indorsement of two men who were known as local party leaders. On this point, Mr. King, who stood highest on the eligible register, states:

"He (Collector Hershey) then advised me to go among the local Republicans and secure indorsements from as many as I could reach and report to him again. At the same time he suggested the names of two Republicans who are recognized as leaders in both city and county politics, and that if I could secure their indorsement my appointment would be favorably considered. \* \* \*

"I presented my indorsement, and the collector seemed pleased with the result, but still maintained he was not obliged to appoint from the eligible list, except applicants for the position of storekeeper and gauger, whose bonds are made directly to the Government. \* \* \* He stated further that there would be several appointments made in this office among the deputies, two of which Lancaster County would get, and that he wanted to have a conference with the local politicians in regard to what they wanted, and that if they offered no objection to my appointment, my chances were good for appointment. \* \* \*

Mr. Skeen, another of the eligibles, also states:

"In an interview with Collector Hershey shortly after his appointment, he required of me the approval of local politicians, and mentioned the name of J. Hay Brown, a local Republican leader, whose indorsement would be necessary."

The testimony of Mr. King and Mr. Skeen is circumstantial and precise in this matter. Both relied upon their examination and business recommendations, without regard to their political affiliations, and they testify that the suggestion of political indorsements came from the collector himself, and that no thought of the indorsement of Messrs. Brown and Creist entered their minds until suggested by the collector.

#### CHARACTER OF THE COLLECTOR'S APPOINTMENTS.

Mr. King states that the caliber of the men appointed by the collector did not measure up to the standard of the caliber of those on the eligible list; that those appointed were persons of the collector's own party; that the list contained thirty-three names, any one of which would compare favorably with those who have received appointment without examination, and that the mean average of the list is doubtless above the highest average of ability of the men appointed.

Mr. Dietz states that he was informed that the deputy collector who now holds the position vacated by him (Dietz) took the examination for deputy collector, but failed to pass. This statement is borne out by the records of the Commission. Of the ten persons appointed by the collector only one has passed the examination. Messrs. Hitzel and Strickhouser, in addition to testifying that Collector Hershey assured the deputies that he did not intend to use their resignations against them until the rules were modified, also testified under oath that the collector said he had political friends whom he wished to put in their position. The revenue agent stated that the collector said:

"That it was his wish to put his political friends into the offices of deputy collector if the President would rescind or modify the existing rules."

Mr. Skeen stated that he had consulted the eligible list at the collector's office and found that the appointments were made entirely independent of it, although the list contained the names of men of high standing and integrity. A portion of his letter is as follows:

"\* \* \* The collector pays no attention to this (the register of eligibles), and openly asserts that civil-service rules will not even receive his consideration. Notwithstanding all this, the secretary of the local board, L. S. Eisenhower, posted a notice in the public building here on the 2d instant that an examination of candidates for deputy collectors, gaugers, storekeepers, messengers, etc., would be held in October."

The revenue agent testifies that the former collector had carried a lot of deputies through his administration who were wholly incompetent, and declared to be so by the collector himself. In illustration of the unfitness of some of the deputies, the agent states that he called upon one of them, a deputy who had been in charge of that part of York County for four years, to go with him to visit some of the wholesale liquor dealers in York. He adds:

"The fellow actually did not know who the wholesale liquor dealers in the city of York were. He did not know whether they had paid special tax as wholesale liquor dealers or whether they had paid special tax as retail liquor dealers, and yet the city of York was his headquarters and had been for four years. \* \* \* I am of the opinion that they have put in a greater part of their time while in the service in making up their pay rolls."

\* \* \* \* \*



The testimony in the Lancaster and other cases taken by the Commission shows that the present system of appointing deputy collectors of internal revenue without examination not only does not secure fit men, but that the Government fails to make an adequate collection of revenues. As the revenue agent in this case says, it is no gain to dismiss an incompetent deputy merely to put another incompetent man in his stead. In many of the districts sweeping removals have been made of division deputies. If it is true, as alleged, that they were removed because they were unfit for their places, it is conclusive condemnation of the system under which they were appointed. It proves that system to be utterly inadequate and disgraceful. On the other hand, if the deputies were removed for some other reason than unfitness, obviously the welfare of the service was not considered in making the removal. In either case such a method of appointment should be no longer tolerated. It stands condemned either as admitting a very large percentage of unfit deputies into the service or as displacing efficient employees for political or other reasons.

The extent of the revenue paid very largely depends upon the efficiency of the force of deputy collectors. It is evident that under the present system there cannot be a full collection of the revenues due. An official report of the Internal Revenue Department some years since showed that one instance of the political substitution of an inexperienced for an experienced officer cost the country, in a single district, \$300,000 in the falling off in the revenue.

On the one hand, there are—

1. The classification of deputy collectors under the civil-service rules by the Secretary of the Treasury on the direction of the President.
2. Your own written statement that deputy collectors are entitled to the protection of the civil-service act.
3. The opinion of eminent lawyers that deputy collectors of internal revenue are legally in the classified service and subject to the provisions of the civil-service law and rules.

On the other hand, there are—

1. The public letters of Commissioner Scott, in which he gives it as his opinion that collectors have the power to select, appoint, and dismiss their deputies without regard to the civil-service act.
2. Statements by collectors in the public journals of their purpose to make changes for political reasons.

\* \* \* \* \*

Civil-service Rule II, clause 3, forbids changes in the executive civil service for political reasons. The clause referred to is as follows:

“3. No person in the executive civil service shall dismiss, or cause to be dismissed, or make any attempt to procure the dismissal of, or in any manner change the official rank or compensation of any other person therein because of his political or religious opinions or affiliations.”

This rule applies to all positions, whether in the classified service or not. Even if it be admitted that collectors may appoint deputies without examination the President's rule nevertheless forbids that they should be removed for political reasons. It certainly can not be denied that the President's rule is constantly violated, and that it is the manifest duty of the Department to correct such violations.

The Commission earnestly hopes that the Department will take steps to enforce the civil-service rules in the appointment and removal of deputy collectors.

No response was made to this letter by the Department, and no action appears to have been taken as a result thereof.

Some eleven appointments of deputy collectors made without regard to the civil-service rules were on October 17, 1898, reported to the Auditor for the Treasury Department with a view to the disallowance of pay for services rendered without authority of the civil-service law.

On April 24, 1899, Associated Press dispatches from New York, San Francisco, New Orleans, Toledo, and thirteen other large cities in different parts of the country, announced the seizure of some hundreds of thousands of cigars manufactured at Lancaster, Pa., bearing counterfeit revenue stamps. It does not appear that the deputy collectors of internal revenue throughout the various districts to which these cigars were sent discovered that the stamps upon the boxes were counterfeit, but the discovery was made by an old and experienced internal-revenue employee in Washington. It will be noted that this issue of counterfeit stamps was made in the district where these changes of deputies occurred in contravention of the civil-service act and rules.

**Lawrenceburg (6th Ind.) Internal-Revenue District. File 828 S.**

During the period from July 1, 1897, to December 31, 1898, there were seventeen removals and twelve resignations from positions subject to competitive examination, making a total of about 70 per cent of the entire force separated from the service.

In his report of changes made in the service for the month of March, the collector included the permanent appointment of Charles Witthoft on March 1, as deputy collector. At that time there were twenty-nine persons registered as eligible for appointment in this district, and the Commission accordingly called upon the collector to show authority for the appointment of Mr. Witthoft. After several calls had been made for this information the collector finally, on June 25, replied that Mr. Witthoft had been temporarily and not permanently appointed. The Commission promptly informed the collector that Mr. Witthoft's appointment had not appeared upon the report as temporary, and that even if temporary it had not been made in accordance with the civil-service rules, no authority therefor having been given by the Commission, and there being at that time an ample register of eligibles, and requested that Mr. Witthoft be separated from the service and the date of his separation reported to the Commission. No action was taken in response to this request, and Mr. Witthoft remained in the service. On October 17 the Commission reported the facts in the case to the Auditor for the Treasury Department, with a view to the disallowance of pay for services rendered without authority of the civil-service law.

In his report of changes made in the service for the month of May, 1898, the collector included the temporary appointment of Albert E. Lyman, on May 16, and the permanent appointment of Dorus J. Baker, on May 1, and George C. Newman, on May 23. At the time of these appointments there was an ample register of eligibles, and the Commission called upon the collector to show authority for the appointments thus made. In reply the collector stated that Mr. Newman had been appointed by the Secretary of the Treasury on the recommendation of the Commissioner of Internal Revenue, based upon his own suggestion; that Mr. Baker had been temporarily appointed by him because "there was no one eligible whom he desired to appoint;" and that Mr. Lyman had been appointed temporarily "at the request of the Commissioner." In reply the attention of the collector was called to the fact that appointing officers had no authority to make temporary appointments (except emergency appointments for thirty days, in the absence of an eligible register) without the antecedent authority of the Commission, and the removal of these appointees was requested. No report of their removal has, however, been received, and they are presumed to be still in the service without authority of law.

On August 15, 1898, August E. Martin was appointed deputy collector under the provisions of Rule VI. The Commission, having received no other information in regard to this appointment, brought the matter to the attention of the Secretary of the Treasury and asked to be informed whether it was the desire of the Department to have this position officially designated as excepted under the provisions of Rule VI, and to have Mr. Martin examined noncompetitively to test his fitness for the same. No reply has been received to this communication.

**Lexington (7th Ky.) Internal-Revenue District. Files 830 S. and 6333 S.**

During the period from July 1, 1897, to December 31, 1898, there were twenty removals and seven resignations from positions subject to competitive examination, making a total of about 32 per cent of the entire force separated from the service.

On December 29, 1897, Mr. E. F. Spencer, of Newport, Ky., wrote to the Commission as follows:

I have been dropped from the Internal-Revenue Service in compliance with a rule of the Department which says that the collector shall not keep under commission an excess of over 15 per cent of men necessary to operate the distilleries. The mills have been closed for the past eighteen months, but intend to resume next month, which will necessitate the appointment of a large number of new men, and it certainly seems rather hard, after struggling through the past eighteen months on half

time, with the hope of steadier employment after the first of the year, to receive a notice of revocation of my commission, and no charges preferred. If I had received any intimation of such an action, I could have secured a position the 1st of the present month, but now I am out for the winter, and nothing in view. I have attended to my duties faithfully while in the service, and can say with pride that I never was intoxicated and never drank any whisky. I have no powerful friends of influence to plead for me, and I can only trust that your honorable board will interfere in my behalf. I might add that my father served through the Mexican war, and gave his life during the late war for his country's cause. I am the only one left, and have my mother and my own family to provide for. The outlook is certainly dark.

A copy of this communication was forwarded to the Secretary of the Treasury for consideration, and in reply the Commission was informed that the services of Mr. Spencer, late storekeeper in the Seventh internal-revenue district of Kentucky, had been dispensed with on December 15, 1897, together with the services of a number of other employees in that district, upon the recommendation of the Commissioner of Internal Revenue, for the purpose of reducing the force in that district to a number approximate to the requirements of the service.

On February 8, 1898, Mr. Frank P. Duvall, in a letter to the Commission, complained that he had been removed from the service on December 18, on the ground that a reduction of the force was necessary on account of the regulation that the unassigned should not exceed 15 per cent of the assigned force, and that within a month afterwards other appointments were made, while his eligibility for reinstatement was ignored. Concluding, he said: "Believing that I would continue in the employ of the Government under civil-service protection, I have gone ahead and made arrangements accordingly. . I will incidentally remark that I am a cripple and have been very unfortunate in life." In reply Mr. Duvall was advised:

The matter of the reductions in the force of the Kentucky internal-revenue districts for the purpose of bringing the said force to a number approximate to the requirements of the service, and the subsequent reinstatement of several persons under the provisions of Rule IX, is now the subject of correspondence between this office and the Treasury Department.

No further action has been taken in connection with this case. The records of the Commission show that eleven temporary storekeepers were appointed on January 17, 1898, thus confirming the statement of facts made by Mr. Duvall.

On March 28, 1898, Mr. J. D. Jones wrote to the Commission as follows:

There have been grave violations of the civil-service laws by Collector Sam J. Roberts which need your immediate attention. About January 1 Mr. Roberts had twenty-five old soldiers and eligibles appointed by the Commissioner of Internal Revenue, but instead of putting these men on he has held up their commissions for over three months and has put on temporary men in order to pay political debts. Some of these temporary men have been on duty now three months. It is about time steps were being taken to stop these doings and see that the men who hold the commissions are put on duty. You had better see the Commissioner of Internal Revenue at once, before assignments for April are sent out.

In reply to this letter the Commission on March 31 advised Mr. Jones that it had no jurisdiction over matters pertaining to the internal administration of the service, and suggested that his complaint be addressed to the Treasury Department. This letter of the Commission to Mr. Jones was returned unclaimed.

On February 1, 1899, W. S. McChesney, former postmaster at Lexington, wrote to the Commission complaining that the internal-revenue regulation as to the relation of the unassigned to the assigned force was being taken advantage of by the collector to effect a change in the political complexion of his force, dismissing Democrats at every opportunity under this regulation and soon after appointing Republicans to increase the force. He stated that more than thirty Democrats had been dismissed for no other reason than politics, and that the collector had admitted that some of them were the best men in the service. To this communication the Commission replied, giving a list of the changes in the service in this district which had been reported during the past year, and stating that if Mr. McChesney could give *definite information* as to any changes which had been in violation of the rules the

Commission would be pleased to investigate the same. In reply, Mr. McChesney gave the names of several, and promised to give the names of others, who he said had been removed during the months of September and October, 1898. He also inclosed a notice from the collector to Mr. J. R. McChesney of his dismissal from the position of storekeeper-gauger, and stated that some time in October he had had an interview with the collector, in which the latter had said that he had recommended twenty-eight men for removal from the service, and that there were "more to follow," at the same time saying that "McChesney was among the very best in the service—removed because his father was a Democrat." The notice of dismissal from the collector to Mr. J. R. McChesney is a mimeograph letter dated October 4, 1898, in such form as to indicate that it was but one of a number sent out at the same time. The collector's reports do not show any removals since the month of September, 1898. The report of February, 1899, has not yet been received, but the Commission's records show that twelve persons were regularly appointed from the eligible register on February 15, 1899.

#### **Louisville (5th Ky.) Internal-Revenue District. Files 832 and 6335 S.**

In the Commission's Fourteenth Report, at pages 323 and 324, some account is given of the administration of the civil-service law in this district during the period covered by that publication.

During the period from July 1, 1897, to December 31, 1898, there were ninety-nine removals and thirteen resignations from positions subject to competitive examination; and from the positions excepted from competitive examination, of which there are six in the district, there were two removals and four resignations. In all, the separations from the service during this period amounted to more than 50 per cent of the entire force.

During the month of January, 1898, the Commission received complaints of several persons who had been employed in this district, stating that they had been removed from office without being confronted with charges and given an opportunity to make defense, and requesting that they be reinstated.

In letter dated January 1, 1898, Mr. John F. Davis informed the Commission that he had been for four years deputy collector in charge of "special tax" warehousing and rewarehousing bonds, with a number of other duties, and that his salary had been \$1,400 per annum; that his desk had been abolished on December 31, 1897, upon recommendation of revenue agents, but that on January 3, the next working day thereafter, a Mr. H. H. McCullough had been assigned to the desk formerly occupied by him and to the duties which he had been accustomed to perform. Mr. Davis therefore claimed that the abolishment of his position had been a mere pretense in order to accomplish his separation from the service.

On January 14, 1898, Mr. William Webster notified the Commission that his appointment as storekeeper-gauger had been revoked, stating that no charges whatever had been made against him, and said, further: "There have been thirty or forty Democrats dismissed and I don't know how many Republicans appointed; so that don't look like he had any surplus of men to cause him to fire us." The records of the office, however, showed that Mr. Webster's commission had been revoked on account of an excess of the unassigned part of the force beyond the 15 per cent allowed by the regulation.

In a letter of January 4, 1898, Mr. H. C. Wood, through the Hon. D. H. Smith, complained to the Commission that he had been removed from the position of storekeeper-gauger without any notice and without charges being preferred against him.

These complaints, as well as charges anonymously made of irregularities in the examination held at Louisville on March 19, 1898, were investigated by a representative of the Commission in the latter part of April following. In the report of this investigation, the following statements occur:

The collector is frequently making what he calls "special assignments." For instance, a storekeeper or a storekeeper-gauger is suddenly taken sick and unable to be at the distillery for a day or two. The collector will assign for temporary duty



anyone that he can get that is suitable to act. The man temporarily assigned takes the place and gets the pay of the man whose duties he is performing. These special assignments are not taken from the eligible list of the Commission and they give no bond.

From August 12, 1897, when Mr. Sapp, the present collector, took charge of the office, to December 28, 1897, when there was a large reduction of the force of gaugers, storekeepers, and storekeeper-gaugers, the collector had increased his force by the appointment of thirty men and separation of thirteen men from the service.

Then came the reduction of the force by forty-one men on December 28, 1897, when four gaugers, sixteen storekeepers, and twenty-one storekeeper-gaugers had their commissions revoked, so that the men not assigned to duty should not exceed 15 per cent of the assigned force.

In the month of February, 1898, the force was increased by the reinstatement of twelve old soldiers and one appointment from the eligible list. This increase of force the collector claims was necessary on account of the several distilleries starting up that had been closed for some time.

Special attention is called to the appointment of L. T. Neat, as division deputy, without examination and certification, on March 25, 1898. The collector does not attempt to defend this appointment. It was made on the request of Senator Deboe, and is the only appointment, Mr. Sapp claims, that has been made since August 12, 1897, that was not in accordance with the rules and regulations of the Commission.

In the case of Charles Drillette (whose case is referred to in the Fourteenth Report) there seems to be no doubt that Mr. Drillette was relegated to the unassigned force for the reason that he had served continuously for a year without the loss of any time, while other officers were being forced to lie idle a portion of the time by reason of there being an excessive number of men in commission, and that he was removed from the service on February 17, 1898, by reason of his being engaged in the service of Messrs. Barber, Ferrill & Co., distillery No. 420, fifth district of Kentucky, contrary to the internal-revenue regulations.

In the case of John F. Davis, it appears that in December, 1897, there were employed on certain work John F. Davis, a deputy, at \$1,400, T. S. Redmon, a clerk, at \$1,000, and W. G. Foree, a messenger, at \$600. On the recommendation of two revenue agents, Davis was discontinued by the Department at Washington and his work given to Redmon, Foree, and others. Redmon's salary was increased to \$1,500 and Foree's to \$720, Redmon's title being changed to deputy collector, and Foree's to clerk, with the understanding that Foree should still do the duties of a messenger in addition to those of a clerk. The Department thus consolidated three places costing \$3,000 a year into two places costing \$2,220, thereby saving \$780 a year. In making the change Davis became separated from the service.

In the case of H. C. Wood, of Campbellsville, Ky., it appears that his commission was revoked on December 28, 1897, in order to reduce the force to the 15 per cent basis, as heretofore stated.

The complaint regarding the conduct of the examination is under investigation and its result will be given in the next report of the Commission.

On May 13 the Commission brought the matter of "special assignments" referred to in the above report to the attention of the Treasury Department in the following letter:

The report of Examiner Covell, who recently made an investigation of the administration of civil-service affairs in the Louisville, Ky., internal-revenue district, shows that it has been the practice of the collector in the said district to make temporary appointments during the existence of an eligible register, under the designation of "special assignments." These appointments were made without examination and during the existence of an eligible register.

The Commission will be pleased to receive the Department's statement showing the necessity for such appointments as well as the authority under which they are made. It has been the understanding of this office that the law which permits a collector to carry an unassigned force of gaugers was passed in order to enable the collector to make special assignments whenever the services of additional gaugers were needed.

To this communication the Commission has received no reply.

On June 1 the Commission called the attention of the Treasury Department to the irregular appointment of Mr. L. T. Neat, and no action being taken by the Department in the premises the facts in the case were laid before the Auditor for the Treasury Department on October 17, 1898, with a view to the disallowance of pay for services rendered without authority of the civil-service law.

The report of changes in the service for the month of September showed the removal of 38 gaugers and storekeepers for the reason, as stated by the collector,

"Commissions revoked, by order of the Commissioner of Internal Revenue, as being in excess of the 15 per cent allowed by law." These removals were, during the early part of November, made the subject of investigation by a representative of the Commission, who reported that they were made for the reason previously assigned by the collector. The examiner gave as his opinion that none of the separations reported was made for political reasons.

During the latter part of the month of November, 1898, the Department called for certifications and made appointments to a number of positions in this district. On December 27 the Commission addressed to the Secretary of the Treasury a letter similar in character to that of December 1 in connection with the ninety-one removals in the Danville (Ky.) district, which letter will be found printed at page 318 of this report.

In reply to this communication the Department forwarded to the Commission a copy of the following letter of January 16, 1899, from Acting Commissioner of Internal Revenue G. W. Wilson:

I have the honor to return herewith letter of the United States Civil Service Commission, dated the 27th ultimo, referred to this office on the 12th instant, in regard to reduction of gaugers, storekeepers, etc., in the fifth district of Kentucky in September last, and subsequent appointments from the eligible list, with the advice that in August last the collector recommended a reduction in the force referred to for the reason that the closing down of a large number of distilleries in his district had made the proportion of unassigned officers in excess of that allowed by law. Owing to delay in action on the collector's letter the officers were retained in commission for some time after they had ceased to perform any duty.

Under the present law the force has to be reduced when the distillery business diminishes. In making their recommendations for these reductions, collectors are required in all cases to select the least efficient and valuable officers for dismissal.

When the distilleries resume operations and new appointments are necessary, it is believed to be for the interest of the service to take the new appointees from the civil-service registers rather than to restore to the service persons who on actual trial failed to reach a high standard of efficiency.

#### **Milwaukee (1st Wis.) Internal-Revenue District. File 835 S.**

During the period from July 1, 1897, to December 31, 1898, there were five removals and two resignations from positions subject to competitive examination, making a total of about 18 per cent of the entire force separated from the service.

On November 9, 1897, O. W. Smith and A. M. von Kaas were examined noncompetitively, at the request of the Treasury Department, to test their fitness for the position of stamp deputy. They both failed to attain an eligible grade in the examination, and in the correspondence with the Treasury Department which followed it developed that the position occupied by Mr. Smith was, by nature and the amount of compensation attached to it, excluded from the classification by section 8 of Rule III, and consequently the necessity for his sustaining the examination disappeared. The collector and the Secretary of the Treasury were informed, however, that Mr. von Kaas, having failed in the required noncompetitive examination, was ineligible for the position which he occupied, and request was made for his separation from the service. His removal has, however, never been reported to the Commission.

The temporary appointments of Emil Ladwig and Theo. F. Prengel, on May 1, included in the collector's report of changes in the service for the month of May, being contrary to the civil-service rules, the Commission not having authorized the same, were the subject of correspondence with the collector and the Treasury Department. At this time there were twenty-seven eligibles on the register for this district, and hence no ground existed for original appointment except from the register. It developed that Mr. Prengel had occupied the same position under a former Administration, and being an old soldier might be reinstated at any time upon request of the Department. No such condition of affairs existed in the case of Mr. Ladwig, however, and his removal was effected on June 27, 1898.



**Nashville (5th Tenn.) Internal-Revenue District. File 836 S.**

During the period from July 1, 1897, to December 31, 1898, there were twelve removals and twelve resignations from positions subject to competitive examination, making a total of about 40 per cent of the entire force, separated from the service. During the same period there were three removals and one resignation from positions not subject to competitive examination, of which there are but four in the district.

In the Commission's Fourteenth Report, at pages 318, 319, the administration of the civil-service rules in this district is discussed at some length. Reference is there made also to a suit instituted by a deputy collector to secure an injunction in restraint of his removal by the collector. Extracts from the decision of Judge Lurton, of the United States Circuit Court, in this case, are printed at pages 204 and 205 of the Commission's Fourteenth Report. In this decision, while reciting that flagrant violation of Executive orders was evident, and had not been denied, the court held "that the civil-service rules, so far as they deny the unrestrained power of removal, are not the law of the land, but are mere Executive orders, dependent for their force upon the vigilance and earnestness of the Chief Executive in compelling his appointees to regard and obey regulations voluntarily imposed by him as a voluntary regulation by the appointing power of its otherwise unrestrained liberty of removal."

An investigation of alleged fraud in connection with an examination held at Nashville September 18, 1897, is now in progress, and an account of its results will appear in the Sixteenth Report.

**Newark (5th N. J.) Internal-Revenue District. File 837 S.**

There were no removals at this office during the period from July 1, 1897, to December 31, 1898, though during that time five persons, or about 16 per cent. of the entire force, resigned positions subject to competitive examination.

Andrew J. Breidenbach, who was appointed to an excepted position under Rule VI, was given noncompetitive examination on November 8, 1897, to test his fitness for the position, in accordance with the provisions of the rule. This examination he failed to pass, and accordingly, in its report to the collector and to the Treasury Department, the Commission requested that he be separated from the service. The Secretary of the Treasury replied that the matter would be held in abeyance pending the report of a committee appointed to decide whether the examinations given for such positions were unusually and unnecessarily severe.

In this connection it should be stated that the Department had requested that some modifications be made in the regular competitive examination in order to adapt it to the requirements of positions covered by noncompetitive examination, and also that it be made to include a consideration of the business experience of the nominees. As the repeated action of the Department had already necessitated suspending the holding of these examinations pending the negotiations between the Department and the Commission, it was deemed advisable to await the anticipated amendment to the rules, which was expected to meet the views of the Department.

The question in regard to Mr. Breidenbach is therefore still in suspense, and no further action has been reported by the Treasury Department.

The temporary appointments of Mark Curly, May 27, and Jacob Straus, May 10, were included in the collector's report of changes in the service for the month of May. At this time there was an ample register of eligibles for this district, and the Commission, not having authorized these appointments, called upon the collector to state under what authority they had been made. In reply the collector stated that Jacob Straus had been "appointed deputy collector under Rule VIII, section 13, to succeed C. de R. Leonard, resigned, such action being approved by the Commissioner of Internal Revenue under date of May 12, 1898," and that the "appointment of Mark Curly was made in accordance with the instructions of the Commissioner of Internal Revenue, directing me to select some suitable person and designate him as deputy during the period of Deputy Collector O'Neill's suspension, under the *emergency rule*." Section 13 of Rule VIII merely fixes a limit of six months to tem-

porary appointments made from the eligible register, and hence was not at all germane to the appointment of Mr. Straus; and the emergency rule authorized temporary appointments only for such part of thirty days as might be necessary to enable the Commission to make certification. The Commission was at that time prepared to make certification; therefore no authority existed for the continued employment of Mr. Curly. The removal of these appointees was not, however, reported to the Commission, and on October 17 the Commission laid the facts before the Auditor for the Treasury Department with a view to the disallowance of pay for services rendered without authority of the civil-service law.

#### **New York (2d N. Y.) Internal-Revenue District. File 839 S.**

During the period from July 1, 1897, to December 31, 1898, there were five removals and three resignations from positions subject to competitive examination, making a total of nearly 18 per cent of the entire force separated from the service.

In his report of changes in the service for the month of November, 1897, the collector included four temporary appointments made on November 1. These appointments not having been authorized by the Commission, and there being an ample register of eligibles at the time, the matter was made the subject of correspondence to ascertain by what authority they had been made. In response to the Commission's inquiry, the collector inclosed a copy of a letter from the Commissioner of Internal Revenue in which he made special allowances for four "additional deputy collectors for the purpose of making a thorough canvass of Greater New York," and stated further that "those deputies will be employed under the direction of the revenue agent, and you will please confer with him and agree upon suitable persons for the work required. As the appointments are limited to thirty days, they may be made under the emergency rule, without reference to the eligible list." The correspondence developed the fact, however, that but one of these appointees, Miss Eva L. Vaughan, was actually separated from the service at the expiration of the thirty days, the other three being retained for an additional thirty days by authority of the Commissioner of Internal Revenue. On December 31, 1897, only two, Constant C. Hodgman and Theodore Barcalow, were separated from the service, while Frank G. Thompson continued to be employed until January 31, 1898.

Hudson H. Mason was temporarily appointed in December, 1897, without authority of the Commission. There being a sufficiency of eligibles, his appointment was disapproved as soon as it came to the knowledge of the Commission, and he was separated from the service on January 31.

The collector's report of changes in the service for the month of March, 1898, showed that Mr. Frank G. Thompson had again been temporarily appointed on March 1, without any authority from the Commission, there being at that time an ample register of eligibles. Correspondence instituted by the Commission developed the fact that this second appointment of Mr. Thompson had been authorized by the Commissioner of Internal Revenue in a letter dated February 24, 1898, to Collector Mason, in which he said: "It has been concluded to grant you an increased allowance for sixty days from the 1st proximo, to enable you to employ Mr. Thompson under an emergency appointment as deputy collector for the period named." The Commission's protest did not serve to cause his separation from the service until the expiration of the full sixty days.

On May 9, 1898, Mr. Thompson was again temporarily appointed, together with Harry H. Slusser, Ben S. Collins, and Percy L. Brooks, without authority from the Commission. There being at that time an ample register of eligibles from which regular appointments might have been made, the Commission brought the matter to the attention of the Treasury Department and of the collector, with request for a statement of the authority under which these appointments had been made. In his reply Collector Treal stated that the appointments had been made by his predecessor, Collector Mason, under authority from the Commissioner of Internal Revenue, and inclosed copies of two letters from that officer, one instructing the collector to

extend Mr. Thompson's temporary appointment, and the other requesting him to appoint Messrs. Slusser, Collins, and Brooks, under section 12 of Rule VIII. The facts reported by Collector Treal were communicated to the Secretary of the Treasury by the Commission in a letter dated July 14, in which it said: "As these appointments were made without examination and certification, your attention is invited to the fact that under civil-service rules the only appointments which can be made by an appointing officer without the previous approval of the Civil Service Commission are the emergency appointments for thirty days or less, and in these cases the facts should be immediately reported to the Commission. A temporary appointment for three months can not be made by an appointing officer without the antecedent approval of the Commission. As there is an ample eligible register for this district, you are requested to forward a requisition for a certification in order that the positions may be filled in accordance with the rules." This communication not resulting in any action by the Department, the Commission, on October 17, 1898, laid the facts in connection with these cases before the Auditor for the Treasury Department, with a view to the disallowance of pay for services rendered without authority of the civil-service law.

It will be seen from the above that Mr. Thompson served from November 1, 1897, to January 31, 1898, and from March 1 to April 30, 1898, and was again "temporarily" appointed on May 9, 1898, since which time he appears to have been continuously in the service. The three separate appointments of Mr. Thompson were made by direction of the Commissioner of Internal Revenue, who cited as authority therefor the "emergency clause" of the civil-service rules (proviso of section 12, Rule VIII), which merely authorizes appointment for not exceeding thirty days in an emergency, *pending receipt of regular certification from the Commission*. The first appointment was originally made for thirty days, but was extended to three months; the second was made for sixty days; the third was made without reference to the length of its duration except that it was called "temporary," and its termination has not been reported. In no case was the authority of the Commission requested, nor was any action taken in response to the Commission's several protests against the irregularity of the appointment. During the whole period the Commission was in possession of an ample register of eligibles from which to make certification for regular appointment had such been called for.

The appointment of Albert F. Carll on June 1, as cashier, under Rule VI, was made without reference to the Commission, and without the noncompetitive examination required by the rule. The Commission, upon gaining information of the appointment, inquired of the Department whether it was desired to designate the position officially as excepted, and to have Mr. Carll examined noncompetitively to test his fitness for the same. No reply has been received to this communication.

#### **New York (3d N. Y.) Internal-Revenue District. File 840 S.**

During the period from July 1, 1897, to December 31, 1898, there were three removals and four resignations from positions subject to competitive examination, making a total of about 18 per cent of the entire force separated from the service.

In December, 1897, Walter R. Scardefield and Jeremiah J. Sullivan were temporarily appointed without authority from the Commission, there being at that time a sufficient register of eligibles. When the Commission became informed of these appointments the matter was made the subject of correspondence with the Treasury Department. Mr. Scardefield was removed from the service on February 28, 1898, and Mr. Sullivan resigned on April 15.

The temporary appointments of Charles Wines, A. E. Lees, and Thomas W. Whittle, on May 17, 19, and 23, respectively, were included in the collector's report of changes in the service for that month. At this time there was an ample register of eligibles from which selection might have been made for regular appointment, and accordingly the Commission brought the matter to the attention of the Department and of the collector, with request for a statement of the authority under which the appoint-

ments had been made, none having been sought from the Commission under the civil-service rules. No replies were received to the Commission's communications on this subject, and on October 17 the facts in the case were laid before the Auditor for the Treasury Department with a view to the disallowance of pay for services rendered without authority of the civil-service law.

#### **Owensboro (2d Ky.) Internal-Revenue District. File 842 S.**

During the period from July 1, 1897, to December 31, 1898, there were sixty-four removals and six resignations from positions subject to competitive examination, making a total of nearly 90 per cent of the entire force separated from the service. Of these removals thirty-five were made by T. J. Yandell, former collector, and twenty-nine by E. T. Franks, the present collector, who had been chief deputy to Collector Yandell during the latter's entire term of office. The many removals during this time have given rise to numerous complaints of the operation of political influence in making removals and appointments, but, upon investigation by the Commission, the removals have usually been accounted for by the collector either on the principle so frequently contended for by collectors of internal revenue, that the commissions of deputies expire with those of the collectors granting them, or else on the ground that reductions were necessary in order to bring the unassigned force within the limit of 15 per cent of the assigned force, as required by law.

P. B. Monk, on January 3, 1898, complained to the Commission, through Representative Clardy, that he had been removed for political reasons without being confronted with charges and given an opportunity to make defense. In response to a reference of the matter to him by the Commission, the Secretary of the Treasury forwarded to the Commission a letter from Collector Franks to the Commissioner of Internal Revenue, under date of March 1, 1898, in which he said, "Mr. Monk was removed from the service at the request of late Collector T. J. Yandell, my predecessor, on the 5th day of October, upon the grounds that we had an excess of idle men over and above the 15 per cent allowed by law." In connection with this the following is quoted from Mr. Monk's letter to the Commission of February 10, 1898:

The Commissioner of Internal Revenue had me removed on a recommendation of the collector of my district on October 6, 1897. This revocation was to take effect on and after the 15th of October, 1897. I believe it was on account of politics, \* \* \* so I immediately got my Republican friends to write the collector of my district to induce the collector to have me reinstated. The collector in a few days assigned me to duty at a distillery, soon after these Republican friends indorsed me. If there were too many men in the service, why did he amend my revocation to take effect on the 15th of December, 1897, instead of 15th of October, 1897? The honorable Secretary of the Treasury informs you that my discharge in October was to reduce the force in the service. He did not say what he amended it for until December 15, and then turned me out and appointed four Republicans.

Although the collector's official reports to the Commission show Mr. Monk's separation from the service as of date October 15, 1897, and make no further mention of him, the collector, in response to a recent inquiry by the Commission, makes the following statement:

Replying to your letter of the 25th ultimo (February 25, 1899), asking to know the date of separation from the Internal-Revenue Service of P. B. Monk, United States storekeeper and ganger, you are respectfully informed that his commission was revoked to take effect October 15, 1897, but he was continued on temporary duty until January 31, 1898. Mr. Monk's commission was extended, however, to December 15, 1897.

O. P. Dyer, appointed deputy collector on July 11, 1893, by Collector Powers, reappointed by Collector Yandell, on July 28, 1897, and then "temporarily" appointed on November 22, 1897, by Collector Franks, on March 5, 1898, received a telegram from Collector Franks saying, "Your commission as deputy collector expired to-day at 9 o'clock." Collector Franks entered upon his permanent appointment under confirmation by the Senate on March 5, and claimed that the temporary appointment of Mr. Dyer had expired when his own temporary appointment pending confirmation by the Senate

ceased. Mr. Dyer forwarded to the Commission an affidavit as to the facts in connection with his service, and further stated that he had not been confronted with charges and given an opportunity to make defense previous to his removal. The matter was duly referred to the Treasury Department for information and action, but although the Commission has frequently requested a reply to its communication on this subject, none has been received.

The Commission was the recipient of letters from Representative Clardy and Senator Lindsay in connection with the removal of Mr. Dyer. In its reply to Senator Lindsay, the Commission, after stating that Mr. Dyer was not an occupant of an excepted position and could not therefore, under the rules, be separated from the service except for just cause and upon written charges filed with the head of the Department, of which he should have full notice and an opportunity to make defense, said:

You are probably aware that the Internal-Revenue Bureau has not conceded that the deputy collectors of internal revenue are properly classified. The Department's attention has been called to numerous alleged violations of the rule relating to removals and to numerous complaints of alleged appointments in this branch of the service, but, up to the present time, the Commission has been unable to obtain satisfactory results, although in each case where there has been an apparent violation of the rule relating to removals and appointments, the Department's attention has been specifically called to the matter.

Mr. William Garrison was removed on the same date and under very much the same conditions as Mr. Dyer. He was originally appointed under Collector Powers, reappointed by Collector Yandell, and "temporarily" appointed by Collector Franks. On March 5, 1898, Collector Franks addressed him the following letter:

My commission as collector of internal revenue for the second district of Kentucky, under temporary appointment, expired at 8 o'clock a. m. to-day, and on the expiration of my old commission I was recommissioned to the same office under confirmation. When my commission under temporary appointment expired, with it expired the commissions of all officers under commission from the collector.

Section 3148, R. S. U. S., gives the collector the right to appoint his deputies. I have therefore made up my mind to change deputies in your division, and have this day appointed Mr. Robert M. Coleman as your successor in office, to take effect as of this date. You will please turn over to Mr. Coleman all property in your possession belonging to the United States, taking his receipt for same. You will also make up your pay account for the first four days in March and send it to this office.

To this Mr. Garrison replied on March 7 as follows:

Your communication of the 5th instant was delivered to me to-day by R. M. Coleman and contents carefully noted.

You are informed that on July 11, 1893, I was commissioned a division deputy collector for the second district of Kentucky and have been in continuous service as division deputy in the second district of Kentucky since July 11, 1893, having at no time had any charge preferred against me, nor have I been notified to appear at any time or place to answer to any charge.

I therefore respectfully decline to resign or vacate said office as division deputy. I am ready and willing to execute to you a good and safe bond for the faithful performance as division deputy and hold myself ready to discharge any and all duties pertaining to said office.

In his reply of March 9 the collector said:

Section 3148, Revised Statutes of the United States, gives the collector the right to appoint his deputies, and I have taken advantage of said section, and on March 5 I appointed Mr. R. M. Coleman your successor at Bowling Green, and you will turn over to him all property in your possession belonging to the United States, taking his receipt for same, and if you refuse to so turn over said property to the said R. M. Coleman, you do so at your peril, and if you perform or attempt to perform any of the duties of a deputy collector of internal revenue in the Bowling Green division, or any other division in the second collection district of the State of Kentucky, you will be proceeded against under section 5448, Revised Statutes of the United States.

On March 12 Mr. Garrison laid the facts before the Secretary of the Treasury asking an investigation, and at the same time furnished the Commission with copies of *the correspondence*. The Commission at once referred the matter to the Secretary of



the Treasury for his information and action thereon, but although repeated requests have been made for a reply to this communication none has been received.

In his report of changes in the service for the month of March, 1898, the collector included the "temporary" appointments of R. M. Coleman, Alfred Thurston, and W. S. Feland, as division deputies. These appointments were made without examination and certification, when the Commission was in possession of an ample register of eligibles, and accordingly the collector and the Treasury Department were requested to state the authority under which the appointments had been made. No reply to the Commission's communication was received from the Treasury Department, but on April 25 the collector replied as follows:

You are respectfully informed that I get my authority for appointing said deputy collectors from section 3148, R. S., United States, as amended by an act of Congress March 1, 1879.

Said section never having been repealed by Congress, I am of the opinion that it is still in force. As to the ample list of eligibles in my district, you are further informed that the only man on said list of eligibles that was in any way suitable for the position of deputy collector was J. H. Newman, and I appointed Mr. Newman. I might have an eligible register of one hundred names, and still not one of them be a suitable person to fill the office of deputy collector; and as I am under a bond to the Government in the sum of \$100,000 for the faithful performance of my duties, as collector of internal revenue, I certainly think that I ought to have the right to appoint as deputies men whom I personally know, rather than men that I never heard of until certified to me by the Civil Service Commission. I assure you that I stand ready to aid your honorable Commission in the faithful performance of its duties so long as the best interest of the service can be subserved and my bondsmen protected, but in order to do that I was forced to ignore to some extent the eligible list, but in so doing I appointed three old revenue men who were removed in 1893 for political reasons, and these men stand ready to undergo any examination that may be required by the honorable Secretary of the Treasury touching their qualifications to fill the office of deputy collector.

In reply the collector's attention was called to Treasury Department circular of November 24, 1897, to all collectors of internal revenue, directing that "until otherwise ordered, existing rules relative to appointments of deputy collectors must be complied with." On the same date the collector's letter of April 25 was referred to the Secretary of the Treasury and his attention called to the same circular. No reply was received to this communication, and the Commission, having been unable to secure action by the Department on these appointments, and receiving no report of the separation of the appointees from the service, laid the facts before the Auditor for the Treasury Department with a view to the disallowance of pay for services rendered without authority of law.

Complaint was made to the Commission in the fall of 1898 that Collector Franks was using his official position to control primaries and conventions in his Congressional district, contrary to the President's order of July 14, 1886, and had sent some of the revenue officials over the district for that purpose. This matter appears in full at pages 260, *et seq.*, under the head of "Political activity of officeholders."

#### **Parkersburg (W. Va.) Internal-Revenue District. File 843 S.**

During the period from July 1, 1897, to December 31, 1898, there were three removals and two resignations from positions subject to competitive examination and four removals from excepted positions, making a total of more than 25 per cent of the entire force separated from the service.

In the Commission's Fourteenth Report, at pages 313 and 314, the administration of the civil-service rules in this district was briefly discussed. At page 313 the following statement appears:

Collector White, it is said, announced through the press over his own signature his intention to relieve from duty the deputy collectors, gangers, and storekeepers commissioned during the incumbency of the former collector and to fill the vacancies thus created by the reinstatement of ex-Union soldiers.



This statement was made by the Commission upon authority of a letter from a prominent public man of West Virginia. Collector White, however, on September 21, 1898, called the Commission's attention to this paragraph and denied having made the statement attributed to him therein. The Commission therefore desires to withdraw the statement printed above.

The collector's report of changes in the service for the month of May, 1898, included several temporary appointments to positions subject to competitive examination. The Commission having then an ample register of eligibles from which regular appointment might have been made, the matter was made subject of correspondence with the collector and the Treasury Department with a view to ascertaining the authority under which such appointments had been made. No authority for the appointments being shown, however, the facts in the case were reported to the Auditor for the Treasury Department, with a view to the disallowance of compensation for services rendered without authority of the civil-service law.

#### **Pittsburg (23d Pa.) Internal-Revenue District. File 846 S.**

In the Commission's Fourteenth Report (pp. 314-318), investigation and correspondence had by the Commission in regard to removals alleged to have been made for political reasons in the latter part of 1897 are discussed at some length, and to that report the reader is referred for information in regard to the Commission's action and position upon this subject.

During the period from July 1, 1897, to December 31, 1898, there were thirteen removals and six resignations from positions subject to competitive examination, and three removals from excepted positions, making a total of about 18 per cent of the entire force separated from the service.

In his report of changes in the service for the month of November, 1897, the collector included four appointments apparently made under the provisions of Rule VI. The Commission having received no other information on the subject and no notice from the Department that the positions had been made excepted, brought the matter to the attention of the Secretary of the Treasury with request to be informed whether it was his desire to have the positions officially designated as excepted and the occupants examined noncompetitively to test their fitness therefor. No reply to this communication has been received.

In his report of changes in the service for the month of May, 1898, the collector included the temporary appointments of William J. Martin and Joseph E. Wheeler, made on May 25. There being at that time an ample register of eligibles, and no authority for the appointments being shown, the Commission brought the matter to the attention of the collector and of the Treasury Department with a request to be informed as to the authority under which the appointments had been made. The Commission has been unable to obtain replies to its communications on this subject.

#### **Portland (Oreg.) Internal-Revenue District. Files 847 S and 6349 S.**

During the period from July 1, 1897, to December 31, 1898, ten persons (50 per cent of the entire force) were removed from positions subject to competitive examinations.

Immediately after the appointment of Mr. David M. Dunne, on March 21, 1898, as collector of the Portland, Oreg., internal-revenue district, which embraces the States of Oregon and Washington, the Commission began to receive complaints from employees who claimed to have been removed from office without cause and without being confronted with charges and given an opportunity to make defense, and who asserted that their positions had been filled by the appointment of persons not upon the register of eligibles resulting from civil-service examination.

About the same time the Commission received, by reference from Senator George Turner, a letter (which Senator Turner referred to as "one of many such protests received by me") from a deputy collector, in which the following statement occurs:

*It seems that at the instance of Senator John L. Wilson all deputy collectors of internal revenue in the State of Washington were removed, as if no civil-service law existed.*

Soon after this the following letter was received from the Hon. James Hamilton Lewis, M. C., from the State of Washington, dated May 13, 1898:

I desire to add my most earnest protest to those made by others regarding the removal by Collector Dunne, of the district of Oregon, of the four deputy collectors in the State of Washington, at Seattle, Tacoma, Spokane, and Walla Walla. These deputies were clearly under the rules of the classified service, and there being no charges whatever against them, they having done their work faithfully and well, they should have been permitted to hold their offices, notwithstanding the change in Administration. It is such political action as this that injures the cause of civil-service reform, and I would most respectfully urge that this matter be pushed to the fullest extent, even to an appeal to the President, in order that such violations of the civil-service law shall not be countenanced or continued.

These general complaints, as well as specific complaints in several cases of removal (for which see below), were brought to the attention of the Treasury Department and action on them urged by the Commission in correspondence extending through many months. Finally, on November 1, 1898, Acting Secretary of the Treasury Spaulding transmitted to the Commission a copy of a letter from the Commissioner of Internal Revenue, dated October 20, 1898, in which occurs the following, which seems to be an accurate statement of the policy followed by the Department in these matters:

I beg to state further that it has always been the rule of this office to require each collector of internal revenue, on taking the oath and entering upon the duties of his office, to appoint his deputies by an instrument in writing under his hand, as provided in section 3148 of the Revised Statutes. Since the application of civil-service rules to the appointment of these deputies, collectors of internal revenue have invariably been advised on entering on duty that they are authorized to make these appointments by reappointment of the deputies of the outgoing collector, by the reinstatement of soldiers under civil-service Rule IX, by selection and appointment from the civil-service registers, or by temporary or emergency appointments under the rules. Since the controversy as to whether the civil-service act of January 16, 1883, modified the provisions of sections 3148 and 3149 of the Revised Statutes, this office has continued to hold that an appointment by the incoming collector of each person employed as his deputy is absolutely essential to empower such person to act as deputy. Under no circumstances could powers conferred by the outgoing collector have any force or effect under the new collector. The latter is responsible to the Government and to individuals for the acts and defaults of his deputies, the bond executed by him to the United States covers the acts and defaults of such deputies, who themselves give bonds to the collector, not to the United States, for their official acts, etc. It is not in the power of the outgoing collector, nor of any officer of the Government, nor of the courts, to transfer to the new collector the responsibility of the outgoing collector for the acts of his deputies. The only way in which the incoming collector can become responsible for the deputies of his predecessor is by his own act in issuing commissions to them. There is no law compelling a collector to reappoint deputies whose commissions expired with the term of office of his predecessor.

If collectors in some cases have declined to reappoint the deputies of their predecessors, have failed to ask for restorations under Rule IX or for certifications from the eligible list, or have disregarded the limitations placed by the rules on temporary appointments, in view of the refusal of the courts to recognize such rules as within their jurisdiction, they simply become amenable to whatever measure of discipline the Executive may see fit to apply. This office is compelled to recognize the commission actually issued by the present collector, whether he makes his appointments in compliance with civil-service rules or not. The collector is the appointing officer; it is from the commission issued by him that the deputy derives all the authority he has, or can have, to collect taxes, make seizures of private property, or perform any of the duties imposed upon him by the statute. In all cases where persons whose commissions as deputies have expired under section 3149 have attempted to continue to act as such deputies under the new collector, this office has ordered the collector to proceed against them under sections 5448 and 5448a for personating an internal-revenue officer. Whatever embarrassments may result from the application of the civil-service rules to the appointments of deputy collectors, the Commissioner of Internal Revenue is bound by his official oath to see to it that demoralization of the internal-revenue service is not one of them. The administration of the internal-revenue laws must go on whether the commission held by the deputy is the result of selection from the eligible lists or not, and the law can not be properly administered without the full number of deputies required in each district.

In view of the reticence of the Attorney-General's office on the question of the rights of collectors in this regard appealed to that office, the refusal of the courts to recognize the civil-service rules, and the very explicit character of sections 3148 and 3149, it is perhaps not to be wondered at if some of them regard themselves as still *de jure* unrestricted in the exercise of the powers conferred upon them by section 3148. In this connection your attention is respectfully invited to the inclosed copy of letter from the collector of internal revenue for the first district of Missouri. Without at this time expressing an opinion as to the defensibility of the collector's attitude, I will remark that as this office did not confer the power of appointment and removal on the collector it can not take it away, nor can it enforce compliance with the civil-service rules by the exercise of its power of suspension, unless ordered to do so by the President, the sole existing power for that purpose being lodged in the hands of the Executive, who suspends and removes.

A copy of this letter was transmitted to Messrs. Thayer, St. Rayner & Schnabel, of Portland, Oreg., attorneys for Mr. W. E. McAfee, in regard to whose case the said letter was written. In their reply to this letter Messrs. Thayer, St. Rayner & Schnabel said, among other things:

So far as the civil-service law in this State and district is concerned, and the observance thereof, it is but a hollow mockery. Men, true and tried, in the classified service are reduced in rank and pay to the most ordinary positions. Outsiders, politicians of the most mediocre kind, have their names placed on the rolls as occupying the positions of the ones supposed to be reduced, yet at the same time the person transferred or reduced is only transferred in theory and so far as the rolls are concerned, as he continues to do the same work he did before, but the peanut politician draws the highest pay and performs the service required in the lower, and in some cases the very lowest, grade. The independent press of this section of the country has time and time cried out aloud against such manipulations and violations of law, to all of which those in authority smile and insolently ask, "What are you going to do about it?"

The following also appeared in the Portland Oregonian about this time:

Defiance of the civil-service law by the local ring of Federal officeholders is resulting, inevitably, in discouragement of applicants for examinations. No appointments are made from those successful at examinations, no matter how high their standing or how consistent their Republicanism. Not only this, but men already in office and under the protection of the civil-service law are brazenly turned out to make room for friends and servants of the officeholding ring. This is the way the Government's work loses honesty and capacity.

Messrs. Thayer, St. Rayner, and Schnabel having written to the Commission asking, "Can you point out to us any way by which these violations can be investigated by a grand jury or other criminal process?" the following reply was made on December 27, 1898:

Further adverting to your letter of November 28, in which you ask what course might be pursued to obtain legal redress for persons improperly removed from positions in the executive civil service, the following considerations are submitted:

By section 9 of the sundry civil bill for the year ending June 30, 1872, approved March 3, 1871 (now sec. 1753, R. S.), it is provided —

"That the President of the United States be, and he is hereby, authorized to prescribe such rules and regulations for the admission of persons into the civil service of the United States as will best promote the efficiency thereof, and ascertain the fitness of each candidate in respect to age, health, character, knowledge, and ability for the branch of service into which he seeks to enter; and for this purpose he may employ suitable persons to conduct such inquiries, and may prescribe their duties, and establish regulations for the conduct of persons who may receive appointments in the civil service."

From the above it will be seen that Congress has clothed the President with power to "establish regulations for the conduct of persons who may receive appointments in the civil service."

In section 7 of the civil-service act it is provided—

\* \* \* "But nothing herein contained shall be construed to take from those honorably discharged from the military or naval service any preference conferred by the seventeen hundred and fifty-fourth section of the Revised Statutes, nor to take from the President any authority not inconsistent with this act conferred by the seventeen hundred and fifty-third section of said statutes." \* \* \*

The preamble to the present civil-service rules states that they are promulgated by the President "in the exercise of power vested in him by the Constitution, and of authority given to him by the seventeen hundred and fifty-third section of the *vised Statutes*." \* \* \*

Might not the various sections of civil-service Rule II (including, of course, sections 1, 3, and 8) derive legal efficacy from section 1753, R. S., in accordance with which (among other powers of the President) they are declared to be promulgated, and might not their violation, therefore, be a violation of law, entitling one injured thereby to recourse in the courts, assuming, of course, that rules for the effectuation of a law have the same force as the act itself, provided they do not transcend its scope?

It has also been suggested that persons entering the executive service of the Government are presumed to do so in contemplation of its rules—which rules may frequently be an important inducement—and where such rules forbid removal or discrimination on account of political belief or affiliation and promise constructively, retention so long as there is work to be executed and the employee is efficient and fitting, removal or unfair discrimination in violation of such rules contravenes an implied contract, entitling the party injured to an action in the Court of Claims on the theory that, did one enter any other service than that of the Government, with certain rights and privileges assured, which rights or privileges were clearly an inducement to the entering of such service, an action for damages in the courts would lie. Such an action has never been brought in the Court of Claims for removal from a classified position where it was not charged that the person removed was inefficient or guilty of misconduct. In the case of *Keim v. the United States*, referred to in the Commission's recent letter, inefficiency was charged. Perhaps the bringing of such action would, in itself, have a salutary effect in checking removals in violation of the rules of the President.

The powers of the President as the chief of the executive civil service are set forth at length in the brief of Assistant Attorney-General Dodge, in the case of *Parsons v. The United States*, 167 U. S., 324. Your attention is also invited to the case of *United States v. Perkins*, 116 id., 483, and to the opinion of Judge Cox, of the supreme court of the District of Columbia, in the case of *Woods v. Gary*, Postmaster-General, which appears at pages 206-212 of the Fourteenth Report sent you.

On March 24, 1898, Mr. Chas. T. Server informed the Commission by letter that the chief clerk, Mr. Bellinger, had resigned, and that Mr. Frank Davis (who was the secretary of the local board of civil-service examiners) had been promoted to his place and one W. S. Lotan had been appointed in Mr. Davis's place without examination and certification. On March 29, 1898, Mr. George Harold, an eligible upon the register for this district, also complained that this place had been filled "by the appointment of a man who never passed an examination for a place in said service." These complaints were referred to the Secretary of the Treasury on April 6. On April 7 the Secretary of the Treasury requested the Commission to issue certificate "for the transfer of Mr. John M. Rodgers from the position of deputy collector in the district of Oregon to that of clerk at a compensation of \$1,000 per annum, his appointment as clerk to date from March 21, 1898." On April 8 the Commission issued the certificate as requested. On April 14 the Secretary of the Treasury, replying to the Commission's letter of April 6, said:

The Commissioner of Internal Revenue, to whom the communication was referred, reports "that the position referred to by Mr. Harold is that to which this office, on the 5th instant, recommended the appointment of John M. Ro[d]gers. Mr. Ro[d]gers is not known to have passed a civil-service examination, but having been appointed as deputy collector on March 15, 1894, he was included with other deputies in the classification of May 6, 1896, and was regarded as eligible for transfer to the position of clerk."

On March 25 Miss A. I. Grunkranz complained to the Commission of having been removed from the position of stamp deputy at Seattle, Wash., on March 21, and stated that Mr. Frank H. Paul had been appointed in her stead without examination or certification by the Commission. In reply the Commission, on April 1, informed Miss Grunkranz that the position of stamp deputy was an excepted one and not subject to the provisions of section 8 of Rule II, and hence the tenure of its occupant was subject to the will of the appointing officer.

In his reports of changes in the service for the months of March and April the collector included the appointments of Samuel Lotan and Frank H. Paul, on March 21, and of Paul Stobach, on April 20, under the provisions of Rule VI. The records of the Commission showed that only two positions had been officially designated by the Secretary of the Treasury as excepted under the operation of this rule, and



aside from the position of chief deputy vacated by Mr. Bellinger and filled by promotion of Mr. Davis, only one separation from such a position had been reported—that of Miss Grunkranz above referred to. In addition, the Commission had not been requested either by the Treasury Department or by the collector to hold the noncompetitive examination required by the rules for such positions. The facts were accordingly brought to the attention of the Secretary of the Treasury and inquiry was made as to whether it was the desire of the Department to have the other two positions officially designated as excepted and to have the three appointees examined noncompetitively to test their fitness for the service, as required by Rule VI. To these communications the Commission has been unable to obtain any reply.

On March 24 Mr. J. P. Gleason made complaint to the Commission that he had been removed from the position of divisional deputy in charge of the fifth division of the district of Oregon without charges or opportunity of defense, and that Mr. David W. Bowen had been appointed in his stead without examination. On April 1 the Commission referred Mr. Gleason's letter to the Secretary of the Treasury for remark, with the information that there was then existing a register containing the names of sixteen eligibles for appointment to such a position, and that the name of Mr. Bowen did not appear upon that register. In a letter of April 11, replying to the Commission's letter advising him of the action taken, Mr. Gleason said:

I am mindful of the limited authority of the Commission, especially in cases in the Internal-Revenue Department when the honorable Commissioner of Internal Revenue practically annuls the civil-service act. I am in receipt of a letter from him of recent date in which he informs me that Collector Dunne was acting entirely within his authority in ignoring the deputies in the classified civil service and appointing successors without regard to the civil service, etc. This was certainly a surprise to me, as I believed in the good faith of all previous rules and regulations promulgated on this subject.

In a letter dated May 21, 1898, referring to the Commission's letter of April 1, the Secretary of the Treasury said:

In reply, you are informed that your communication with its inclosure was referred to the Commissioner of Internal Revenue for report.

In his report on the case the Commissioner calls attention to "the fact that Mr. Gleason's commission as deputy collector of internal revenue expired with the term of office of Mr. Dunne's predecessor, and that he was not reappointed by the present collector. He could not therefore have been removed by the latter."

The Commissioner also states that the "collector reports that appointments made by him in the force of division deputies, as well as reappointments of former appointees, to fill vacancies caused by the expiration of commissions, are for limited periods, pending further consideration on the subject and final action as to appointments in his district."

A copy of this letter was forwarded to Mr. Gleason on May 24.

On April 9, 1898, Mr. Laurence O'Brien, in a letter to the Commission, stated that Mr. Dunne, on superseding Henry Blackman as collector, on March 21, commissioned him as division deputy until April 1, 1898, after which he was removed without charges and one Max Metschan appointed in his stead, without examination. A copy of this letter was referred to the Secretary of the Treasury on April 15, and again on May 14, with request for a specific statement "whether Mr. O'Brien was removed without a compliance with the President's order of July 27, 1897," but to neither of these communications has the Commission been able to obtain any reply.

In the collector's report of changes in the service for the month of April he included the temporary appointment of Max Metschan, on April 1, as deputy collector. The Commission having at this time a register of sixteen eligibles for appointment in this district, and having received no request for authority to make temporary appointment, made the matter the subject of correspondence with the Secretary of the Treasury and with the collector to ascertain under what authority the appointment had been made. No response was received from the Treasury Department, but



on May 26 the collector acknowledged receipt of the Commission's communication and continued as follows:

In reply, would state that this was an emergency appointment, made by reason of the fact that the public interest demanded that a deputy be appointed before an eligible could be provided by your Commission. You understand, no doubt, that I have only recently assumed the duties of collector; that the qualifications of the officers on duty under my predecessor were unknown to me, and that reasonable time was necessary in which to fill my force by reinstatement, or by certifications from the eligible list, during which emergency appointments were desirable.

From a careful reading of subsection 12, Rule 8, civil-service regulations, amended January, 1897, it appears that authority should have been applied for and obtained of the Commission, if the appointment was to continue for more than thirty days. It seems that I did not clearly understand the purport of this rule heretofore, and acted upon the belief that special authority was only required in case the appointments were to continue for a longer period than three months. For the reasons stated, I respectfully ask that authority for this appointment be now granted, and that like authority be conferred as to the appointments of David W. Bowen, Joe S. Willson, and Herbert C. Gregg, as these appointments were made under same state of circumstances. It is further requested that the same authority be given for the temporary appointment of Harvey S. Hudson as deputy collector in this office, made on the 24th day of May, to fill a vacancy occurring in my official force, as will appear by my report, Form 143.

I wish to say at this time that it is my intention to cheerfully follow the existing rules of the Commission so long as they remain in force, and that no willful violations thereof will be permitted to continue, after my attention is called thereto.

To this letter the Commission replied on June 2, 1898, as follows:

Your letter of May 26, in which you request authority for the temporary appointments of David W. Bowen, Joe S. Willson, and Herbert C. Gregg, has been received.

In reply, you are informed that as there is an ample eligible register from which certification could be made to fill any vacancy occurring in your district, the Commission is without authority to approve temporary appointments except as the result of certification in the regular manner.

Referring to your statement that the appointment of Max Metschan was for a period of thirty days, you are requested to advise the Commission by letter of the date of Mr. Metschan's separation from the service and also to note the facts relative thereto in your report of changes in the service for the month of May.

To this the collector replied on June 17, as follows:

I have the honor to acknowledge receipt of your letter dated June 2, 1898 (File 847), and in response thereto would say that the appointment of Max Metschan was intended to be for ninety days, the period which at the time was supposed to be authorized by the civil-service rules and regulations. Mr. Metschan is therefore still in the service.

On July 6 the Commission replied as follows:

Your letter of June 17, in which you state that the appointment of Max Metschan was made for ninety days, a period which was supposed to be authorized by the civil-service rules, has been received.

In reply, you are informed that under the provisions of the President's Rule VIII, temporary appointments can not be made without authority of this Commission. The Comptroller of the Treasury has decided that compensation can not be allowed to persons temporarily employed until the approval of the Commission has been obtained. Upon Mr. Metschan's separation from the service, please advise the Commission.

To this letter no reply was received.

In his report of changes in the service for the month of April the collector included the temporary appointments of Harvey S. Hudson and Harry E. Battin, on May 20, as deputy collectors. The Commission was at this time in possession of a register of sixteen eligibles for appointment in this district, and had received no request to authorize temporary appointments. The matter was accordingly brought to the attention of the Treasury Department and of the collector, with request for information as to the authority under which the appointments had been made. No reply

was received from the Treasury Department, but on July 4 the collector replied as follows:

I had no authority for the appointment of Harvey S. Hudson and Henry E. Battin, save the needs and exigencies of the public service at the present time, and the authority conferred by sec. 3148, R. S. of the United States.

To this letter the Commission, on July 21, replied as follows:

The only temporary appointments that can be made by an appointing officer without the previous approval of the Commission are the emergency appointments for thirty days. A temporary appointment for three months can not be made by an appointing officer without the antecedent approval of the Commission. As Messrs. Hudson and Battin have been in the service more than thirty days, the Commission can not consent to their further retention in the service.

To this letter no reply was received.

Failing to obtain the separation from the service of Messrs. Max Metschan, David W. Bowen, Jos. Willson, Herbert C. Gregg, Harvey S. Hudson, and Henry E. Battin, the Commission, on October 17, 1898, laid the facts in the case before the Auditor for the Treasury Department with a view to the disallowance of pay for services rendered without authority of the civil-service law.

In April, 1899, a representative of the Commission made an investigation into the operation of the civil-service law and rules in the Portland internal-revenue district. The collector admitted frankly that he had appointed and removed his deputy collectors entirely without regard to the civil-service law and rules, making the familiar claim that section 3148 of the Revised Statutes freed him from any obligation in this regard. He also admitted that the occupants of excepted positions in his district had not been required to take a noncompetitive examination, as required by civil-service Rule VI.

The Commission's examiner reported that "no change has occurred in the force of storekeepers and gaugers since Mr. Dunne became collector."

#### **Raleigh (4th N. C.) Internal-Revenue District. File 849 S.**

During the period from July 1, 1897, to July 31, 1898, there were fifteen removals and one resignation from positions subject to competitive examination, making a total of about 13 per cent of the entire force separated from the service. Since July, 1898, the Commission has been unable to obtain from the collector any reports of changes in the service, although repeated calls have been made therefor, both directly upon the collector and through the Secretary of the Treasury.

A number of complaints have been received from persons who have been separated from the service to the effect that such separation has been brought about contrary to the requirements of the civil-service rules.

In some instances it has been claimed by persons appointed as storekeeper-gaugers that from being assigned to positions with regular compensation at a certain rate they have been assigned to other positions with compensation only during actual employment, and at a lower rate per diem, and that by reason of the employment in the new position being intermittent or perhaps entirely wanting at first, this amounted to a separation from the service. In such cases the Commission has held that the matter of adjustment of salaries and assignment to duty is one relating to the internal management of an office over which the Commission has no jurisdiction.

During July, 1898, the Commission received complaints from Messrs. C. H. Holloway, John W. Dailey, and E. H. Baker that they had been removed from the service under circumstances which seemed to bring their removal within the jurisdiction of the Commission to investigate. On July 4 Mr. Holloway wrote to the Commission as follows:

On the 1st instant, Hon. E. C. Duncan, collector of the fourth district of North Carolina, informed the clerks of this office (myself included) that appropriation had been made for only two clerks in the district for ensuing fiscal year, as against six for preceding year, and that positions formerly held by clerks would be filled by deputy collectors, thus abolishing our positions as clerks.

The clerks thus removed were appointed through merit and not through political

influence, and were promised the protection of the civil-service law. Will the Commission kindly inform me if this proceeding is lawful? It seems that such protection is farcical in the extreme if we are to be thus removed without cause except political preference.

On the same day Mr. Dailey wrote:

On July 1, 1898, Hon. E. C. Duncan, collector, appointed a man to relieve me without any notice whatever, and under the civil-service law I claim he had no authority to remove me without cause, and he had none, for he does not hesitate to say I have made him one of the best deputies he had in his district.

On July 8, Mr. Baker wrote to the Commission, in part, as follows:

On the 20th of March, 1897, I stood the competitive examination required by the civil service law, for the position of clerk; passed the examination successfully, heading the class with a grade of 85.45.

On the 11th of October, 1897, I was appointed by Collector F. M. Simmons to a position as clerk in the internal-revenue department in this district, which position I filled until the 1st instant.

On February 1, 1898, this office was transferred from Mr. Simmons to Mr. E. C. Duncan, the present incumbent, who retained the entire office force, who were protected by the civil-service law.

On the 1st instant, Mr. Duncan informed me that the clerkships in this office had been reduced from six to two, and that in the place of the four clerks so dropped, four deputy collectors would be appointed. The position filled by myself was among the number so dropped. I was given a commission as deputy collector for fifteen days and informed by the collector that he had authority to appoint anyone he should see fit at the expiration of fifteen days.

The three \$800 clerks that had been dropped and replaced by three deputy collectors were not appointed through personal or political influence, but through merit alone, each man having headed the list of his class when standing the civil-service examination.

The positions filled by the deputies will be the same as filled by the clerks up to the 1st instant. They will occupy the same desks, do the same work, and draw the same salary, and will be nothing more nor less than clerks.

\* \* \* \* \*

If we who have stood the test are not to be protected, what need for us or anyone to stand the civil-service examination, or be appointed from its list of eligibles, or, in fact, what need for any Civil Service Commission if its laws and rules are to be completely ignored?

These complaints were severally referred to the Treasury Department for consideration, attention being called to the fact that the Commission could not recognize a promotion from a competitive to an excepted position merely for the purpose of removal. In reply, the Secretary of the Treasury forwarded to the Commission a copy of a letter from the Commissioner of Internal Revenue, dated July 15, in part as follows:

The records do not show that the reduction in the number of clerks in Collector Duncan's office and increase in the number of deputies has resulted in any transfers from nonexcepted to excepted places under existing rules.

Attention is called to the fact that there are 185 clerkships allowed by law in the outside Internal-Revenue Service for the 63 districts, 6 of which were assigned to Mr. Duncan's office prior to the beginning of the present fiscal year. In view of the excessive number assigned to that district, and the greater availability of deputies in the matter of assignment to different classes of work, it was deemed to be for the interest of the service to make a more equitable distribution of the force by increasing his deputies and reducing his clerks and assigning additional clerks to other districts where that disproportion did not exist.

There are other districts where this matter should be readjusted, and action will be taken to that end as soon as practicable. This office must insist that it shall be the judge as to the proper distribution of the outside force under the several heads appropriated for. I can not believe that a prompt and efficient transaction of the public business will be advanced by placing matters of this kind in review by the Civil Service Commission.

The readjustment of allowances as to the distribution of clerks and deputies has been made this year, as in previous years, on the basis of better service, and without knowledge or anticipation of changes in the personnel of the force by the collectors for the purpose of giving places to their political friends.

This office is not advised of the purpose of Collector Duncan in giving limited appointments to his new deputies, nor has it any official knowledge that he has done so.

On July 25, the Commission communicated the above to Mr. Baker, saying that it would again address the Secretary of the Treasury in the matter and urge that Mr. Baker and others similarly situated be treated as entitled to all the rights and privileges of classified employees, and that they be not removed without just cause and a hearing as required by the civil-service rules. On July 28 Mr. Baker wrote the Commission a letter in which, after quoting the last paragraph of the letter of the Commissioner of Internal Revenue, he said:

The facts, with reference to this matter, are, that the collector discharged, on the 1st day of July, 1898, eight out of ten of the field deputies in the service in this collection district. He gave to another of the old deputies a commission for fifteen days, pending a political controversy between competing candidates in that collection division for the place. The tenth deputy has only recently been appointed by the collector to succeed one of the old deputies who died early in this year.

The deputies so discharged had all been in the service since the deputy collectors were placed under the civil-service [rules], except one who was appointed because he stood first on the civil-service list. All of these deputies had shown themselves fit and competent, as the record of their work in the office will show. The deputies appointed to supersede them have not in a single instance stood the civil-service examination, nor had any experience in the service.

All these new appointees are either members of the Republican or of the Populist party, which organizations have had, in this State, for the last four years, what has been known as the fusion arrangement in all State matters.

With reference to the statement of the Assistant Secretary to the effect that he "not advised of the purpose of Collector Duncan in giving limited appointments his new deputies," I beg to say that on the 1st of July, 1898, Mr. Duncan issued to three of the former clerks and one of the former office deputies commissions for fifteen days, and at the end of that time issued to the same parties another commission for fifteen days, giving them to understand that he had power to appoint others in their places, and that their tenure in the office was temporary. To my personal knowledge, there has been no attempt on the part of Mr. Duncan to conceal his purpose to supply the places of these deputies or clerks with partisan appointments.

It will, therefore, be seen that the dismissal of experienced deputy collectors, as above stated, and the appointment of inexperienced men, officers in their place, will not, in all probability, tend to promote the efficiency of the service, and the fact that they have been superseded in every instance by men of different political party, would seem to establish the statement that the removals and the appointments were for political purposes.

I am led to make this statement of the facts concerning this matter because I feel that myself and my associates in the office who were appointed under the civil-service rules, have been, or are about to be, deprived of the rights which that law guarantees us.

Mr. Baker's letter was referred to the Secretary of the Treasury on July 30. On August 13, in a letter to the Secretary of the Treasury referring to the letter above quoted from the Commissioner of Internal Revenue, the Commission said:

The Commissioner of Internal Revenue states that the records do not show that the reduction of clerks has resulted in transfers from nonexcepted to excepted places. This is not disputed, and is apart from the question at issue. The fact remains that three clerks have been gotten rid of by a change of designation from clerk to deputy collector. The rules forbid a removal, except for just cause, and no cause whatever is given for their removal. On the contrary, the action in changing the designation of the four clerks to deputy collectors and dropping three of them and giving a temporary commission to the fourth, puts the burden of proof on the collector to show that the removals were made for just cause. Whatever the motive may have been, the charge remains unanswered that the designation of Mr. Baker, with others, was changed to deputy collector, and that three of them were then dropped from the service without a hearing and others appointed in their stead without examination.

Mr. Baker further charges that the "positions filled by the deputies will be the same as filled by the clerks up to the 1st instant (August). They will occupy the same desks, do the same work, and draw the same salary, and will be nothing more than clerks."

The Commission contends that these changes of designation did not deprive the employees affected of the benefit of the President's order of July 27, 1897, and that they should not have been dropped except for just cause and after a hearing.

To this communication the Commission has been unable to obtain any reply from the Treasury Department.



**Richmond (2d Va.) Internal-Revenue District. File 851 S.**

In the Commission's Fourteenth Report, beginning at page 292, a statement of the conditions existing in this district was given. The following is an amplification and extension of that statement:

On September 1, 1897, Mr. James D. Brady succeeded Mr. William Ryan as collector. On the 2d of September the Commission received telegrams from deputy collectors in Richmond indicating that the new collector had made practically a clean sweep of those holding the position of deputy collector under his predecessor, and made, on his own authority, new appointments without the formality of an examination. The attitude of the collector is shown in his letter of September 3, 1897, to the Commissioner of Internal Revenue, as follows: \*

INTERNAL REVENUE SERVICE,  
SECOND DISTRICT OF VIRGINIA, COLLECTOR'S OFFICE,  
*Richmond, Va., September 3, 1897.*

SIR: Pending my report on Form 204, which I will forward in a few days, I have the honor to inform the Department on my action in respect to the appointments made upon my assuming the duties of collector of this district on 1st instant.

First. As authorized by the President's recent order amending the civil-service rules, I made the following appointments, viz: Chief deputy; one deputy in the Richmond office, where the number of employees is four; one deputy at Petersburg, and one deputy at Norfolk, both places being stamp (or branch) offices.

Second. Under the provisions of Rule IX, civil-service rules, I reinstated two former deputy collectors, both of whom were in the military service of the United States in the late war of the rebellion and were honorably discharged therefrom, each of these worthy veterans being qualified in every respect, physically and mentally, to perform the duties of their respective positions.

Third. After the foregoing appointments and reinstatements were made, I called upon the secretary of the civil-service board here to furnish me with a list of eligibles for appointment in the internal-revenue office of this district, and I was notified in writing by him that there were only two names on said list. Under the civil-service law and regulations, as I was recently advised by the official to whom I was referred during my recent call in person at the office of the Civil Service in Washington, D. C., I was authorized to demand that a list of eligibles containing three names be furnished me, which demand the board here was unable to comply with. The two names on the list were further defective because the grade does not appear thereon, and I was given to understand that each of the persons whose names are on said list had made application for appointment as United States gaugers.

Fourth. There being no such list of eligibles as the law directs furnished me, I made all other appointments in the district under the provision of section 12, Rule VIII, of the civil-service rules, and was careful to notify in writing each of said appointees of his "temporary appointment for emergency."

In thus making my appointments I believe that I have strictly observed the law and civil-service regulations, and that I have carried out the views of the Department as expressed to me in person upon two different occasions during my consultations held with Hon. George W. Wilson, Acting Commissioner of Internal Revenue, a few days prior to my taking charge of the office. I made this special report because of the howl over my appointments by the partisan Democratic newspapers of Virginia and by the leading free-silver spoilsmen. I feel confident that I have not only acted in this matter according to law, and as an evidence of my desire to carry out the spirit of the civil-service regulations I have appointed four of Collector Ryan's former employees, viz, Deputy Collectors Talbott, Enders, Dashiell, and McHugh. It is a fact that I have not made a single removal from office. Those who were in office in this internal-revenue district before the 1st day of September, 1897, were commissioned by and bonded to my predecessor, and their terms of office expired when Collector Ryan went out of office, the law, in my judgment, being clear and explicit upon this point.

I respectfully request that a copy of this letter be furnished to the Civil Service Commission, and if my action in the premises is not approved I desire to be fully advised of the objections thereto.

Respectfully,

JAS. D. BRADY, *Collector.*

To the Hon. WILLIAM S. FORMAN,  
*Commissioner Internal Revenue, Washington, D. C.*

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\* See footnote on page 290.



The following correspondence between Mr. Thomas Brown and Collector Brady will show the position occupied by the removed deputies:

HAGUE, VA., *September 10, 1897.*

DEAR SIR: I beg leave to submit to you the following statement of my removal by Mr. James D. Brady, the internal-revenue collector for the second district of Virginia, from the position as deputy collector in the office of the said internal-revenue department for said second district, and to ask of you such redress as I may be entitled, under the United States statutes, as to civil service, and the rules, regulations, and orders bearing thereon. I was appointed by Mr. William Ryan, the predecessor of Mr. Brady in said office, and who held said office until the 1st day of September, 1897. I was appointed on the 21st day of September, 1893, and duly entered upon the performance of the duties required of me on the 21st day of September, 1893. I held said position and duly performed said duties until the 1st day of September, 1897. No complaint was made of the performance of my duties either by Mr. Ryan or by Mr. Brady. On the 1st of September, 1897, I was informed by Mr. Brady that when I was appointed I was appointed only for the balance of the term of office of Mr. Ryan; that Mr. Ryan's term and tenure of office had ceased by his (Mr. Brady's) taking charge of the said office; that thereby the said position held by me became vacant. Mr. Brady informed me that he had no charge to bring against me, but that the position was vacant for the reason above stated, and that he could not reappoint me.

I respectfully insist that Mr. Brady is mistaken in his view of the law pertaining to my right to hold such position. I claim that I was not appointed for any term, and that, even if I was originally appointed to hold the position only during the time that Mr. Ryan should hold the collectorship, yet, as the position I held was, by the order of President Cleveland, issued on the 6th day of May, 1896, brought under the terms and effect of the statutes of the United States as to civil service, I could not be removed except for cause. I also submit that I was, and am, protected in said position by the order of His Excellency President William McKinley, of July 27, 1897, set forth in the circular, No. 122, lately issued by you, a copy of which I herewith submit.

I therefore ask that you will examine into the matter herein stated and give me proper redress by securing my reinstatement into office. I have been informed that Mr. Brady claims his right to declare my position vacant by virtue of section 3148 of the Revised Statutes of the United States, as amended by the act of Congress, 1879.

I respectfully submit that so much of said section as conflicts with the civil-service act of January 16, 1883, was repealed by said act, such repeal to take effect as soon as the President brought the position held by me within the effect of the latter act.

I ask to submit the accompanying paper as supporting my claim of said repeal. I also file a copy of a letter from me to Mr. Jas. D. Brady and his reply thereto.

Very respectfully,

THOMAS BROWN.

Hon. L. J. GAGE,  
*Secretary of the Treasury, Washington, D. C.*

RICHMOND, VA., *September 9, 1897.*

DEAR SIR: I hereby notify you that I claim I am still the incumbent of the office of deputy collector, which I have held for several years under William Ryan, esq., collector, and that I hold myself ready and willing to perform all the duties of that office which you, as internal-revenue collector, may require. I claim that I can only be removed from that office by proper proceedings, as prescribed by the President of the United States under the civil-service act.

If you claim to remove me for cause, please specify in writing your charges or grounds of complaint, and I will then take proper steps to make my defense before the proper tribunal.

Very respectfully,

THOS. BROWN.

JAS. D. BRADY, Esq.,  
*Collector Internal Revenue, Second District of Virginia.*

RICHMOND, VA., *September 10, 1897.*

SIR: In reply to your letter of the 3d instant I have to say that Collector William Ryan's term of office having expired on August 31, 1897, your appointment as deputy,

commissioned as such by him, expired under the law with his term of office; hence you have no official term in this office during my term as collector of the district.

Respectfully,

JAMES D. BRADY, *Collector.*

THOMAS BROWN, Esq., *Hague, Va.*

On September 7 the Commission brought the matter to the attention of the Secretary of the Treasury in the following letter:

UNITED STATES CIVIL SERVICE COMMISSION,  
*Washington, D. C., September 7, 1897.*

SIR: Under date of September 2 the Commission referred to you two telegrams, complaining of a nearly clean sweep of the employees in the internal-revenue service at Richmond, Va., and the appointment of persons in their stead without examination, notwithstanding the fact that there are names of eligibles upon the register. One of these appointments is that of a chief deputy and two of stamp deputies—presumably to positions excepted from examination—to which appointments can not be made under the amendment of the rules of July 27, 1897, without an examination, to be prescribed by the Secretary of the Treasury and conducted by this Commission.

The Commission would be glad to know of any action taken in the matter by the Treasury Department, in order that reply may be made to the complaints referred to.

Very respectfully,

WILLIAM G. RICE, *Acting President.*

The honorable the SECRETARY OF THE TREASURY.

To this letter the Secretary of the Treasury replied as follows:

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,  
*Washington, D. C., September 11, 1897.*

GENTLEMEN: I have the honor to acknowledge receipt of your letter of the 7th instant relative to the appointment of deputy collectors of internal revenue by James D. Brady, collector of the second district of Virginia.

You state that the appointments in question were made without examination, notwithstanding the fact that there were names of eligibles upon the register. In this connection permit me to call your attention to accompanying letter of Collector Brady, addressed to the Commissioner of Internal Revenue, and explaining how and why he made the appointments in question.

Before considering specifically the particular cases referred to by Collector Brady, I have to advise you that I am of opinion that section 3148, Revised Statutes, clearly provides that the term of a deputy collector is entirely dependent upon the will of the collector by whom he is appointed, and that the amendments of civil-service rules adopted July 27, 1897, in no way modified or abridged the collector's power of appointment, except that the person whom he shall select for appointment must at some time pass a noncompetitive examination approved by your Commission to test his qualifications for the place. It is obvious that an incoming collector can not or ought not to delay for a day even the appointment of his deputies. It is not, therefore, practicable or possible to await the result of a noncompetitive examination before organizing the collector's force, and it becomes imperatively necessary to appoint, subject to future noncompetitive examination, upon the result of which will depend the retention of the appointees.

Eligible registers are not, it seems to me, a factor in cases arising under amended Rule VI, because if a collector be dependent upon them his statutory right of selection will be too seriously abridged and the very object of the amendment defeated. In fact there are grave doubts as to whether he can be forced to appoint any deputy not of his own selection either under Rule VI or the general rules; but, on the other hand, it is admitted that the person selected by him must possess the qualifications prescribed by law before their appointments can receive final approval. It is believed that both the spirit and intent of the law will be complied with by requiring that each of the deputy collectors appointed by Collector Brady under Rule VI, at the earliest practicable moment, be subjected to a noncompetitive examination, for the doing of which immediate steps will be taken.

I shall be pleased to have you submit your views as to the force and effect to be given to section 3148, Revised Statutes, in dealing with appointments of deputy collectors of internal revenue.

Respectfully, yours,

L. J. GAGE, *Secretary.*

The UNITED STATES CIVIL SERVICE COMMISSION.

350 FIFTEENTH REPORT OF CIVIL SERVICE COMMISSION.

In connection with this the following letters from Collector Brady are of interest:

INTERNAL-REVENUE SERVICE,  
SECOND DISTRICT OF VIRGINIA, COLLECTOR'S OFFICE,  
*Richmond, Va., September 11, 1897.*

SIR: I have the honor to report that I received to-day a telegram from Assistant Secretary F. A. Vanderlip, of which the following is a copy, viz:

“WASHINGTON, D. C., *September 11, 1897.*

“COLLECTOR OF INTERNAL REVENUE,  
“*Richmond, Va.:*

“Forward at once copies of letters appointing to and perpetrating from the service Deputies Denoon, Epps, Woods, Gaskins, Brown, and Gunn.

“F. A. VANDERLIP, *Assistant Secretary.*”

I presume that the word “perpetrating” in above telegram was intended to be “separating,” and I immediately replied thereto by wire to you as follows:

“To the Honorable COMMISSIONER OF INTERNAL REVENUE,  
“*Washington, D. C.:*

“In answer to Assistant Secretary Vanderlip's telegram just received, I report through you to him that I have neither appointed nor separated from the service Deputies Denoon, Epps, Woods, Gaskins, Brown, and Gunn; but will have records of my predecessor examined, and if desired data is obtainable will promptly forward same.

“JAMES D. BRADY, *Collector.*”

To enable me to make prompt report in response to the foregoing request of Assistant Secretary Vanderlip, I have made an examination of such of the records of my predecessor as are accessible, and I find a press copy of the following letter to ex-Deputy Collector Brown, viz:

“INTERNAL-REVENUE SERVICE,  
“SECOND DISTRICT OF VIRGINIA, COLLECTOR'S OFFICE,  
“*Richmond, Va., August 31, 1897.*

“THOS. BROWN, Deputy Collector,  
“*Hague, Va.*

“SIR: I have just been advised that the construction placed upon civil-service law by the authorities at Washington is that the commission of all deputies expires with the term of collectors, and that Colonel Brady does not expect to reappoint any of my division deputies. You will therefore do no official work after this date.

“WM. RYAN, *Collector.*”

I do not find any record showing that my predecessor sent a similar notice to Messrs. Denoon, Epps, Woods, Gaskins, and Gunn, who held office in this internal-revenue district by appointment of Collector Ryan, whose term of office expired on August 31 last, but I understood on August 31 last, before I was sworn in as collector, that like notices would be sent to all of these ex-officials.

The old records kept by my predecessor, which may perhaps show the appointments of the persons named in the above telegram from Secretary Vanderlip, are not at hand, but I will have search made for them, and if the desired information is obtainable I will promptly advise the Department.

In this connection it is proper that I should report that I sent to each of the former appointees of my predecessor, Collector Ryan, who have addressed me on the subject, a letter, of which the following is a copy:

“INTERNAL-REVENUE SERVICE,  
“COLLECTOR'S OFFICE, SECOND DISTRICT OF VIRGINIA,  
“*Richmond, Va., September 4, 1897.*

“R. F. GASKINS, Esq.

“SIR: In reply to your letter of the 3d instant, I have to say that Collector William Ryan's term of office having expired on August 31, 1897, your appointment as his deputy, commissioned as such by him, expired under the law with his term of office. Hence you have had no official tenure in this office during my term as collector of the district.

“Respectfully,

“JAS. D. BRADY, *Collector.*”

If further information in regard to the matter is desired, please inform me and I will endeavor to furnish it.

Respectfully,

JAS. D. BRADY, *Collector.*

The honorable COMMISSIONER OF INTERNAL REVENUE,  
Washington, D. C.

INTERNAL-REVENUE SERVICE,  
SECOND DISTRICT OF VIRGINIA,  
Richmond, Va., September 13, 1897.

SIR: In obedience to instructions contained in your letter, "L. S. R.," dated 2d instant, I have the honor to request that requisitions be made upon the United States Civil Service Commission for proper certifications of eligibles for the positions of deputy collectors of internal revenue in the places of the following temporary appointments, made for emergency, which action was approved by your office and the honorable Secretary of the Treasury, as advised by your said letter dated 2d instant.

The names, positions, and salary per annum of said deputy collectors, temporary appointees, were duly reported by me to your office in statement showing the organization of the district, Form 204, revised, from September 1, 1897, and are as follows, viz:

Benjamin Taylor McCue, deputy collector.....	\$1,100
Asa Rogers, jr., deputy collector.....	1,100
Edward Thompson, deputy collector.....	1,000
Thomas F. Meany, deputy collector.....	900
Joseph W. Southward, deputy collector.....	1,000
Traveling expenses.....	500
Robert O. Deyer, deputy collector.....	1,000
Traveling expenses.....	500
Benjamin S. Hooper, deputy collector.....	1,000
Traveling expenses.....	500
Josephus Trader, deputy collector.....	900
Traveling expenses.....	500
Charles Gee, special deputy collector.....	1,500
Traveling expenses.....	720
(For three months.)	

In submitting this communication I ask that particular attention be given to the fact that I have made the request for certification of the eligibles in obedience to instructions contained in your said letter, and in thus complying with the orders of my superior in office I deem it as my duty to the Government, to the Treasury Department, and to myself as collector, and to the surety upon my official bond, to take due and proper precaution by most respectfully filing this objection and protest against any modification or limitation of the power and duty vested in me by law as collector in respect to the appointments of deputies and the power to revoke the appointment of any such deputy. Under the plain mandate of the law, which I think is now in force, I am "in every respect responsible both to the United States and to individuals, as the case may be, for all moneys collected and for every act done or neglected to be done by any of his (my) deputies while acting as such." (Sec. 3148, U. S. Rev. Stat.) This power is derived from the act of Congress, and can not be limited or modified, in my opinion, unless section 3148 is repealed by Congress. Any subsequent legislation in conflict with section 3148, and which does not repeal section 3148, is, I submit, null and void, for the reason that Congress could never have intended to pass any law in conflict with existing law without repealing the previous act and reenacting the subsequent law or modification thereof.

I beg leave to assure the Department that I do not submit my construction of the law upon this question in any spirit of captiousness. I believe it to be too important a matter, involving, as it may, the interests of the Government as it relates to the appointments of deputy collectors and the responsibility on the official bonds both of collectors and the bonds of deputies, to be decided without the most careful consideration.

It is my solemn and sworn duty as collector to observe and maintain the integrity of the laws and to see them properly executed, and I feel that the responsibility rests upon me in the discharge of duty to administer the law honestly and fearlessly.

I am not aware of any opinion having been rendered by the law officers of the Department upon the questions submitted in this communication, and if there has been any such given, or decision of the court, I respectfully request to be advised of the same.

As I stated in person to you and to the honorable Secretary of the Treasury during my recent conference upon the subject, my action in the matter of these appointments will in the future, as it has been in the past, be prompt and strictly in conformity to the views of the Department.

Respectfully,

JAS. D. BRADY, *Collector.*

The honorable the COMMISSIONER OF INTERNAL REVENUE,  
Washington, D. C.

In this connection it may be stated that on September 4, 1897, a register of eligibles was established containing the names of seven men eligible for appointment to the position of storekeeper, gauger, clerk, or deputy collector. This eligible regis-

ter resulted from an examination held on March 20, 1897, and the delay in establishing the register was due to the extreme press of work in the office of the Commission. But had certification ever been called for, the marking of papers in this examination would have been made special and been given precedence over other work, and the required certification could have been furnished with very little delay. No such request, however, was ever made upon the Commission, and the eligibles on this register have never been certified. During the entire term of the present collector no appointments have been made from the Commission's register of eligibles for this district.

The further discussion of the questions raised in Collector Brady's letters relates as well to the whole of the Internal-Revenue Service, and is treated in the general account of that service, *ante*.

These appointments of Collector Brady, above referred to, continuing without authority of the civil-service rules and unauthorized by the Civil Service Commission, were reported to the Auditor for the Treasury Department on October 17, 1898, with a view to the disallowance of pay for services rendered without authority of the civil-service law.

#### **Rochester (28th N. Y.) Internal-Revenue District. File 6353 S.**

Correspondence on file in the office of the Commission shows that on the accession to office of the present collector, Mr. A. D. Sanders, on January 20, 1899, he dispensed with the services of eight of the deputy collectors commissioned under his predecessor, notifying them that their commissions had expired with that of the former collector on January 19, 1899. The statement of facts presented by each of the removed deputies is substantially the same, and to the effect that he was removed without notice, without charges being preferred against him and his being given an opportunity to make defense, and that his position has been filled by an appointment made by the collector without regard to the civil service rules.

The names of the removed deputies, and the dates of their complaints addressed to the Commission, are as follows: W. L. Warner, January 23; H. M. Robbins, Frank Vetter, James A. Dooling, and George P. Yost, January 30, 1899; James A. McCrillis and Rice M. McCauley, February 4, and Roe Reilly, February 7, 1899.

In a letter dated January 24, 1899, Mr. Sherman S. Rogers, of the firm of Rogers, Locke & Milburn, counselors at law, Buffalo, N. Y., informed the Commission that a "clean sweep" was being made in the internal-revenue office at that place, without any respect to the civil-service regulations. He stated that in several cases the vacancies caused by the removal of the regular deputies had been filled by transfer of deputies employed under the war-revenue law, who had been appointed without civil-service examination.

In his letter of January 30, Mr. George P. Yost, complaining of his removal by Collector Sanders, as indicated above, said:

Being a member of the National Guard, State of New York, I volunteered my services, left my desk to go to the front May 1, 1898. I served in the Army seven months and five days, receiving an honorable discharge, and reported back for duty December 6, 1898, only to be dismissed by Collector Sanders.

Mr. Roe Reilly, in his letter of February 7, stated that his successor, Mr. Frank Armitage, had been transferred from the position of stamp deputy at Elmira, that being an excepted position and one from which transfer could not be made to a position subject to competitive examination.

Mr. James A. McCrillis, in his letter of February 4, said:

The gentleman appointed to take my place, as well as those who fill the places of the other deputies removed by Collector Sanders, has never taken the civil-service examination, as their names do not appear on the eligible list in collector's office at Rochester, N. Y. Collector Sanders claims it not necessary, as deputy collectors are not properly classified.



Mr. Edwin C. Robbins, on February 9, 1899, made the following affidavit, which was forwarded to the Commission in support of the charge that Mr. H. M. Robbins has been removed for political reasons:

Edwin C. Robbins, being duly sworn, says that he resides in said city of Buffalo, and is a brother of Mr. Hiram M. Robbins, late a deputy collector of internal revenue in the office in said city of Buffalo; that a few days prior to Mr. Sanders, the present collector of internal revenue in said office, assuming his duties as such collector, deponent was informed that changes would be made in such office by removal of some of the subordinates therein and the appointment of other persons in their places; deponent, apprehensive that his brother might be among those whom it was contemplated to remove, called upon Mr. John R. Hazel, a person prominent and influential in the Republican organization in said city and a Republican State committeeman, and stated to him that deponent had learned that such removals were contemplated, and requested him to use his influence for the retention of deponent's brother in his position; that said Hazel then stated to deponent that deponent was too late in making such request; that he and Mr. Sanders and some other Republicans had held a conference the day before in which such removals were considered and determined upon, and that deponent's brother, being a Democrat, could not be retained, but would be removed; that said Hazel then stated that no complaint of any kind had ever been made against deponent's brother, but he being a Democrat, could not be retained.

The Commission has not been able to obtain from the collector a report of changes in the service for the month of January, 1899, and hence its information as to these removals is only such as it has obtained from the correspondence above referred to. It may be stated, however, that what appointments may have been made to fill vacancies arising in this way have been made without regard to the eligible registers, as the Commission has made no certifications for appointment therefrom since 1897.

The complaints above recited were severally referred to the Secretary of the Treasury, but the Commission has not obtained from the Department any satisfactory information or action upon the matters involved.

#### **Sacramento (4th Cal.) Internal-Revenue District. Files 853 and 6354 S.**

On January 14, 1899, George B. Cosby, jr., and Mrs. Edith D. Figg, clerks, reported to the Commission that they had been notified by the collector that he had received orders from the Department to suspend them from duty. They stated that the collector expressed himself as entirely pleased with their services and that no charges had been preferred against them, the collector having disclaimed all knowledge of the ground of their dismissal. On January 16, 1899, Mrs. Anna M. Gaskill, clerk, telegraphed to the Commission that she had been removed, that no charges had been made against her, and that no notice had been given of her proposed removal. She stated in a subsequent letter, dated January 17, that when she asked the collector as to the cause of her removal he replied that he had to make room for political friends. On February 12, 1899, Charles H. Mitchell, deputy collector, informed the Commission that he had been removed on January 20, and that no complaint had been made of the manner in which he performed his duties. On March 18, T. J. Dunn, deputy collector, informed the Commission that on February 15, 1899, he had been forced to resign his position as deputy collector through pressure brought to bear by the collector.

The complaints of Mr. Cosby, Mrs. Figg, and Mrs. Gaskill were referred to the Secretary of the Treasury with the request that if the records of the Department showed that no charges had been filed, or if charges had been filed and not sustained, they be reinstated in their former positions. No reply having been received from the Treasury Department up to April, 1899, the Commission directed one of its representatives to make an investigation of the cases.

From the investigation it was shown that Mr. Cosby, Mrs. Figg, and Mrs. Gaskill had been removed on account of strained relations existing among them, the removals having been made as a matter of office discipline, but no notice having been given

of removal, as required by section 8 of Rule II of the civil-service rules, Mr. Conby was reinstated a few days after his removal, and Mrs. Figg was reinstated on February 16. Mrs. Gaskill was also accused of having disclosed information relative to the business of the office, and of being a disturbing factor in the office. As the cause for her removal did not come within the jurisdiction of the Commission, her complaint was dismissed. Copies of the correspondence between the collector and the Treasury Department with respect to these employees were furnished by the collector to the representative of the Commission.

It appeared that the removal of Deputy Collector Mitchell was made on the suggestion of the Commissioner of Internal Revenue, based upon a letter from the internal-revenue agent, who reported that Mitchell was physically unable to perform the duties required of the office, and that his position should be filled by a younger and more active man. As the removal of Mitchell related solely to the internal administration of the service, over which the Commission has no jurisdiction, he was, on May 18, 1899, informed that the Commission could take no further action in his case.

T. J. Dunn, deputy collector, in letters to the Commission, stated that he was transferred from the position of division deputy at Santa Rosa to take the place vacated by Mitchell, he himself having been succeeded by W. F. Price. Dunn stated that Price was appointed on July 1 as deputy to assist him under the war-revenue act, and that after thirty days he (Price) had been relieved from duty; that he had been reappointed in place of Mitchell; that Price, preferring the position held by Dunn at Santa Rosa, had caused Dunn to be sent to another division with headquarters at Grass Valley, away from his home and friends and contrary to his personal inclination, to take the place vacated by Mitchell. Dunn stated that Price had been given the position on account of political work in the interest of Hon. U. S. Grant for Senator.

It appeared from the investigation that Dunn was transferred from Santa Rosa to Grass Valley on January 17, and that on February 15 he resigned his position. As no reduction in his salary was involved in his transfer, and as the fact could not be established that his resignation was other than voluntary, his case did not come within the jurisdiction of the Commission, and he was so informed on May 19, 1899.

No evidence could be secured to show that W. F. Price, deputy collector, who succeeded Dunn, had used official authority or influence in behalf of the candidacy of Hon. U. S. Grant for United States Senator, and the case did not, therefore, come within the provisions of Rule II, section 2, of the civil-service rules with respect to the interference with elections.

#### **San Francisco (1st Cal.) Internal-Revenue District. File 856 S.**

During the period from July 1, 1897, to December 31, 1898, there were eight removals and five resignations from positions subject to competitive examination, a total of about 17 per cent of the entire force separated from the service.

Jacob Steppacker, appointed to an excepted position under Rule VI, was noncompetitively examined by the Commission on November 10, 1897. He failed to attain an eligible grade in the examination, and this fact was, on January 15, 1898, reported to the collector and to the Secretary of the Treasury with request that he be separated from the service. The Commission has, however, received no report of any action in the matter.

On November 26, 1897, Joseph Costello was temporarily appointed deputy collector, and this fact was reported to the Commission by the collector in his report of changes in the service for the month of November, 1897. At the time this appointment was made the Commission had a register containing the names of thirty-five eligibles for appointment in this district, and accordingly, on January 28, 1898, reported to the Secretary of the Treasury its disapproval of the appointment. On February 14 the Secretary of the Treasury replied, quoting a letter from the Commissioner of Internal Revenue, in which it was stated that Costello had been

appointed temporarily in place of J. H. Zemansky, during the latter's suspension pending investigation of charges against him for giving false testimony in court, and recommended that no further action be taken until the vacancy should be consummated by the separation of Zemansky from the service. The Commission, however, adhered to its position that as Mr. Costello had not been appointed in accordance with civil-service rules his further retention in the service could not be approved.

Mr. Zemansky was dismissed from the service on March 24, by order of the Commissioner of Internal Revenue, and on April 1 the Secretary of the Treasury advised the Commission that the collector had been instructed to remove Mr. Costello and fill the position by appointment from regular certification. On April 2 the Commission wrote to the collector, calling attention to the letter of the Secretary of the Treasury and asking for immediate action. It was not, however, until May 4 that the collector reported Mr. Costello as removed from the service on account of "non-attendance to duties."

In his report of changes in the service for the month of December, 1897, the collector included the appointment of Mrs. Florence A. Williams. In reply to inquiry as to the date of and authority for her appointment, the collector advised the Commission that Mrs. Williams had been given an "emergency" appointment on December 2 to fill temporarily the place of Miss Alice Davidson, who was suspended pending an investigation of the charge of misconduct in office. He stated that Mrs. Williams had stood second upon the eligible list at the time of her appointment. The records of the Commission, however, showed that Mrs. Williams's year of eligibility had expired on December 8, 1897, and that up to that time she had been only fifth on the list, and hence would not have been entitled to certification for appointment. The Commission therefore insisted that she be removed and appointment made in accordance with the rules. After considerable correspondence with the collector and with the Treasury Department, Mrs. Williams's removal was finally effected on April 1, 1898.

Miss Davidson appears to have been acquitted by the Department of the charge against her, which was the same as that against Zemansky and Lennon (who were on March 24 discharged by order of the Commissioner of Internal Revenue), as she was reassigned to duty on April 1, upon the removal of Mrs. Williams, and continued in her position until January 31, 1899. On that date the collector notified Miss Davidson by letter that he had that day been instructed to dispense with her services in order to meet a reduction in the salary allowance for his office. Of this removal Miss Davidson at once complained to the Commission through her attorney, Mr. Gavin McNab. In his letter of January 31, 1899, to the Commission, Mr. McNab claimed that Miss Davidson had been a clerk in the stamp department of the revenue office for some years; that she had been regular in attendance, industrious, and capable; that her work had never been behind, and that she had been complimented on her efficiency by the collector in charge, by various agents, and by the authorities in Washington; that her place had been one of the most important and laborious in the office, and that the statement that it was to be abolished was a pretense and a sham, as its duties were such that it would have to be recreated immediately. Continuing, he said:

The fact is, that because she was originally placed in the office by my influence, and that I am a prominent Democrat, has led to this attempt to evade the civil service [law] and procure the removal of the lady by a pretended abolition of the position.

In a letter of February 3, Mr. McNab said that he had learned that the letter which the collector received from the Department had not specified Miss Davidson's position as the one to be discontinued, but merely "one at \$900 a year," and that the collector upon dismissing Miss Davidson had immediately placed at her desk a Miss Edna Sloss, a recent temporary employee, who received \$1,200 per annum. The Commission not having received the regular reports from the collector for the months of January and February, 1899, has no official information of the facts as alleged by

Mr. McNab, and accordingly his communications have been referred to the Secretary of the Treasury for his consideration.

In his report of changes in the service for the month of April, 1898, the collector included the appointment on April 1 of William H. Harrison to an excepted position under the provisions of Rule VI. The Commission having received no other information upon this subject, brought the matter to the attention of the Secretary of the Treasury, requesting information as to whether the appointment had been authorized by the Department, and whether it was the desire of the Department that Mr. Harrison should be noncompetitively examined to test his fitness for the position as required by the rule. No reply has been received to this communication.

In his report of changes in the service for the month of May, 1898, the collector included the temporary appointments of Robert Towne, on May 9; Frederick H. Perkins, on May 18, and Charles F. Bassett, on May 21. As the Commission had at this time a register of thirty-seven eligibles for appointment in this district, and had received no request for certification for regular appointment or for authority to make temporary appointments, the matter was brought to the attention of the Secretary of the Treasury and of the collector, with request for a statement showing the authority upon which these appointments had been made. To these communications no reply was received, but the reports of the collector show that Mr. Perkins resigned on May 30, and that Mr. Towne was "relieved by request" on July 1. Mr. Bassett remaining in the service despite the protests of the Commission, the facts in his case were reported to the Auditor for the Treasury Department, on October 17, 1898, with a view to the disallowance of compensation for services rendered without authority of the civil-service law.

#### **St. Louis (1st Mo.) Internal-Revenue District. File 854 S.**

During the period from July 1, 1897, to December 31, 1898, three persons were removed and two resigned from positions subject to competitive examination, a total of about 9 per cent of the entire force separated from the service.

On February 23, 1898, Mr. H. C. Grenner, the new collector, wrote to the Commission as follows:

I am informed, that according to a proper construction of the civil-service law, I am entitled to name two persons in my office at my discretion, presumably the chief clerk and cashier.

The present incumbents of these positions appear to be very competent men, and I would be glad to retain them, yet I must yield something in deference to the demand made upon me.

I am advised that it is allowable for me to select other appointments in lieu of these two. If this can be done it would solve the situation for me, and I could see my way clear to retain the present chief deputy and cashier, with good results to the service.

Kindly advise me whether I am at liberty, according to your construction of the law, to appoint two men at my discretion to other positions instead of chief deputy and cashier, providing I retain these two in the positions they now occupy.

To this letter the Commission on February 26 replied, calling the collector's attention to the provisions of Rule VI, which describe the positions in the Internal-Revenue Service that are excepted from competitive examination, and stated that while the Treasury Department had reported two excepted positions in this office, one under clause (a) and one under clause (b) of Rule VI, the names of the occupants of these positions had not been reported to the Commission, but that the occupants of these two places were the only ones in his office whose removal was not governed by clause 8 of Rule II.

On April 30, 1898, William S. Long, submitted a complaint to the Commission that he had been removed from the position of deputy collector on April 29, without previous notice and without being confronted with charges and given an opportunity to make defense. He stated that he had been in the service since December 1, 1893, and that the present collector, upon assuming office on February 1, had recommended him for ninety days, at the end of which time the collector removed him

in the exercise of his authority under Rule VI, clause (b). The letter was referred to the Secretary of the Treasury, and Mr. Long was informed that the records of the Commission showed that he had been removed on April 30 on account of the expiration of his commission, the right of removal on this ground being still in dispute between the Commission and the Treasury Department, pending the rendering of an opinion on the question by the Solicitor of the Treasury. The Commission has been unable to obtain from the Treasury Department any reply to its reference of Mr. Long's complaint.

The case of Joseph P. Hof is almost exactly similar to that of Mr. Long. He advised the Commission that he had been in the service since January 1, 1894, but that Collector Grenner, on taking charge of the office on February 1, 1898, had recommissioned him for only ninety days, at the end of which time he was notified by the collector that as his "provisional appointment" had expired his services were dispensed with, and that "another emergency appointment" would be made to the position. The records of the Commission showed the removal of Mr. Hof as from the excepted position of "acting cashier," and as the Department had never designated by name the occupant of that position the Commission referred Mr. Hof's complaint to the Secretary of the Treasury for consideration. The Secretary of the Treasury, in turn, referred the matter to the Commissioner of Internal Revenue, and so advised the Commission, but beyond this no reply has been received from the Department on the subject.

Mr. Hof, in his first complaint, as well as in several subsequent letters, charged that he had been removed for political reasons, alleging that his successor had made no secret of the fact that he had been appointed because he was a Republican, and had stated that the collector said he had no fault to find with Mr. Hof's work. Mr. Hof also claimed that he had not acted as chief deputy, assistant collector, or cashier, and that he had no knowledge of any designation by the Treasury Department which would authorize the collector to remove him under Rule VI. These charges were made the subject of inquiry.

As the result of this inquiry, Mr. Hof was subsequently informed by the Commission that his removal was not a reflection upon his official conduct, but merely resulted from a rearrangement of force, and that, furthermore, the position occupied by him was regarded as excepted from competitive examination, resulting in its occupant being excluded from the benefits conferred by section 8 of Civil-Service Rule II—the giving of reasons for removal and an opportunity to make defense.

On September 2, 1898, Mr. L. S. Baur complained to the Commission that he had been removed, on August 31, without being confronted with charges, after occupying the position continuously since February 1, 1894. That on the accession to office of Collector Grenner, on February 1, he had been recommissioned for a period of ninety days, at the expiration of which he had been recommissioned three times successively for a month at a time, and on August 1 had been regularly commissioned. The records of the Commission showed that Mr. Baur had resigned on August 31, and, after correspondence on the subject and investigation, the Commission addressed the following letter to Mr. Baur on November 15:

In reply to your letter of September 2, you are informed that, upon investigation of your complaint of removal, it is charged that, anticipating your removal because of instances of neglect of duty and willful omission, you tendered your resignation. The Commission has no power to inquire into the sufficiency of the reasons alleged for your separation from the service, inasmuch as it appears that those reasons relate solely to the internal administration of the service outside the province of this Commission. The Department is the final judge as to the sufficiency of the charge against you and of your defense, and the Commission is not vested with jurisdiction to review its action, unless it is shown that there has been a violation of the civil-service act or rules.

In reply to this letter, Mr. Baur, on November 25, wrote the Commission that its letter of November 15 had brought him the first information of the charge that he



had resigned in order to avoid removal on account of neglect of duty, and explained the fact of his having resigned as follows:

On above date, August 4, last, Mr. Grenner called me in his private office and read to me a portion of a letter from Commissioner Scott. It said, in substance, that Mr. Sewell had reported Deputy Collector L. S. Baur as favoring the brewers, and that it was considered to the best (interest) of the service to dismiss me. Mr. Sewell saw fit to make this charge against me because I was reported to have told a certain brewery here they could use the beer stamps on hand June 14, 1898, and pay to the Government the difference of the advance in the tax. I then fully explained this matter to Mr. Grenner, and his answer to me was (I give it verbatim: "Sewell ought to be reprimanded for making this report against you," and he added, "Now, in order so I can fix it for you with the Commissioner, you write me out your resignation and you go on as usual."

To this letter the Commission replied, on December 5, 1898, as follows:

In reply to your letter of November 25, the Commission repeats the statement contained in its letter to you of November 15, that it has no power to inquire into the sufficiency of the reasons relating to your separation from the service, inasmuch as it appears that these reasons relate solely to the internal administration of the service outside the province of the Commission. \* \* \*

Your complaint that you were deceived by the collector in the method in which he obtained your resignation should have been addressed to the Treasury Department.

On September 24, Mr. P. W. Page complained to the Commission that he had been removed from the position of deputy collector on August 31, without notice and charges, but that he had since seen in a newspaper the statement that he had been removed for insubordination, the truth of which charge he denied. After correspondence with the collector, the Commission wrote to Mr. Page on November 14 as follows:

Referring to your letter of September 24, you are informed that the complaint made by you of your removal was made the subject of investigation by this Commission, and it is found that you were removed for reasons relating to the internal administration of the service, in which this Commission has no authority to interfere. It is not within the province of the Commission to consider the weight of evidence in removals which were made upon charges that do not relate to politics or religion. The collector of internal revenue has presented a brief of the evidence in relation to your conduct. Since it appears that the action of the collector in your removal was not for reasons forbidden by the civil-service law or rules, the Commission has no power to take action in your behalf. It has no authority to consider whether the charges are well founded or whether your answer is sufficient refutation of the charges. This is a matter solely for the decision of the collector of internal revenue and the Secretary of the Treasury.

In his report of changes in the service for the month of May, 1898, the collector reported the appointments of Arnold Trickschmidt and Aaron J. Pareira to excepted positions under Rule VI. The Commission, having received no other information on the subject, inquired of the Secretary of the Treasury whether these appointments had been duly authorized, and whether it was the desire of the Department to have Messrs. Trickschmidt and Pareira examined noncompetitively to test their fitness for the positions, as required by the provisions of Rule VI. In reply the Commission was informed by the Secretary of the Treasury that its communication had been referred to the Commissioner of Internal Revenue, but beyond this no reply has been received.

In his report for the month of February the collector included the temporary appointment of Miss Tillie A. Huertgen as deputy collector on February 2, 1898. The Commission, having at this time an ample register of eligibles for this position, called upon the collector for a statement of his authority for making such appointment. In his reply the collector said that Miss Huertgen had been appointed temporarily as stenographer, in the absence of an eligible register for that position, and that her services had been so satisfactory that he had decided to reappoint her for another ninety days at the expiration of her present term. To this the Commission replied that while the temporary appointment was approved pending the establishment of a register by the Commission, such appointment must necessarily expire by limitation as soon as the Commission was able to certify eligibles for regular appointment.

In an examination held in St. Louis during the spring for the purpose of securing eligibles for this position Miss Huertgen competed, but failed to attain an eligible grade. A register of eligibles was, however, established as a result of this examination, and the collector was notified by the Commission on June 1 that certification could be made for regular appointment, and he was requested to dispense with the services of Miss Huertgen. In reply to this letter the collector simply referred the Commission to correspondence with the Commissioner of Internal Revenue for information on the subject. In the month of July the Commissioner of Internal Revenue requested the Commission to furnish certification of females eligible for the position of stenographer in the first district of Missouri, which request was duly complied with by the Commission, and on July 28 Miss Ida A. Moore was reported as selected from the certifications, her appointment dating from July 15. The separation of Miss Huertgen has, however, never been reported by the collector.

On November 5, Miss Alice E. Cooper, an eligible for the position of stenographer in this district, having passed the examination for such position in April, 1898, wrote to the Commission complaining of the fact, as alleged by her, that Miss Huertgen, who failed in the examination, was continued in the service by the collector, while she, who had made the highest mark in the examination, was not admitted to the service. She stated that on the day on which she received notice of her eligibility, she received a letter from Collector Grenner asking her to call and see him, which she did. Her interview with the collector she describes, in part, as follows:

Mr. Grenner also stated that he and several Congressmen were trying to have the civil-service law repealed, and he expected this would be done in a few weeks; and if he were to appoint me under the present laws that perhaps in thirty or sixty days I would be thrown out of a position, for should this law (his law) go into effect, it would throw everybody in his office out of a position, and then he could appoint whom he pleased. I said, "Then, at best this position in your office will only be temporary." He answered, "Yes; and what I want to know is, would you be willing to take the position under the circumstances." My reply was, "I am willing to take the position under any circumstances, no matter how soon I should be thrown out; but I hope, should that law you speak of go into effect, by that time I will have shown you I can do my work so well you would be willing to reappoint me." Mr. Grenner answered that he had promised and was under political obligations to keep the present stenographer, Miss Huertgen, if such a thing was possible; and should he succeed in having this law passed, he would immediately appoint Miss Huertgen. Mr. Grenner remarked that he had appointed Miss Huertgen under what is known as the "emergency appointment," and she could finish her month, but he was obliged to make an appointment under the present law by the 1st of July, and he was not yet sure which one of the eligible stenographers he would appoint. He ended our conversation by saying he would advise me if he decided in my favor.

Miss Cooper further stated that the appointment of Miss Moore in July was to the position of stenographer in the office of the revenue agent and not to the position in the collector's office, which had been filled by Miss Huertgen under temporary appointment, and for which the examination had been held. She stated that on July 16 she had written to Mr. Grenner inquiring whether appointment had been made and the name of the appointee, and that in reply he had stated that the "appointment had been made from the civil-service eligible list." To this she adds:

Now I know it to be a fact that Miss Huertgen is still holding the position in Mr. Grenner's office. Miss Huertgen did not even pass the examination, and if Mr. Grenner had to make the appointment on or before July 1, and did appoint a stenographer from the eligible list before July 16, how is it possible that he still has the same stenographer who was appointed temporarily for three months, and who is certainly not eligible?

Concluding her letter she says:

Now that over five months have elapsed since I passed this examination, and Mr. Grenner has not yet succeeded in having his wishes made law, I have presented these facts, hoping you will see the justice of taking prompt action in the matter. \* \* \*

A copy of this communication was promptly forwarded to the Secretary of the Treasury for attention, but the Commission has not yet been advised of any action in the matter.

In response to a recent inquiry by the Commission as to whether Miss Huertgen still remains in the service, Collector Grenner replied in part as follows:

Miss Huertgen is still retained in the service. The authority for her retention as deputy in my office was given by Hon. N. B. Scott, Commissioner of Internal Revenue, in a letter in which he said she should be retained in the service until further advised.

In regard to this case permit me to detail the history. At the civil-service examination held here on April 29, 1898, the four highest applicants in the order named were: Jeanie W. Leftwich, Alice C. Cooper, Ida A. Moore, and Tillie A. Huertgen. Miss Leftwich was ineligible for the service because she lacked the required age; Miss Cooper was indifferent as to whether she would accept the position or not; Miss Moore was given a position as stenographer in the special revenue agent's office here. Therefore there is not the least scintilla of doubt about the civil-service propriety in the appointment of Miss Huertgen.

Furthermore, permit me to say that since Miss Huertgen has been performing her duties as a deputy she has shown a remarkable aptitude and alertness of mind, and I believe if she should stand an examination to-day she would be marked with the highest percentage of proficiency. There is no question about her competency for the position. I may say that she is infinitely superior, in every phase of her work, to Miss Moore, whose percentage was only forty-seven one-hundredths above that of Miss Huertgen.

In connection with this statement of the collector attention is called to quotations made above from the letter of Miss Cooper and to the fact that while Miss Cooper attained an average of 72.92 per cent in the stenography examination, Miss Moore barely passed in the typewriting examination, making 70.01 per cent, and 49.58 per cent in stenography, and Miss Huertgen failed in both stenography and typewriting, making only 58.53 per cent in the former and 69.54 per cent in the latter.

#### **St. Paul (Minn.) Internal-Revenue District. File 855 S.**

During the period from July 1, 1897, to December 31, 1898, seven persons, or 25 per cent of the entire force, were removed from positions subject to competitive examination.

On October 23, 1898, Mr. Michael Whelan made complaint to the Commission of having been, on July 31, 1898, removed from the position of deputy collector for the fourth division of the collection district of Minnesota. Mr. Whelan stated that he had been notified by the collector on June 20 that he would be removed on July 31, but that no charges were ever preferred against him. He also inclosed copy of a letter written by himself to the collector on July 30, protesting against his removal and claiming right to preference in retention in office in case of a reduction, on account of the fact that he was a veteran of the War of the Rebellion and received a pension for disabilities incurred in the line of duty. Mr. Whelan was informed that the "Statutes at Large provide that in making a reduction of force in any of the Executive Departments the head of such Department shall retain those persons, who may be equally qualified, who have been honorably discharged from the military or naval service of the United States," and that the enforcement of this statute is a matter which belongs to the heads of Executive Departments, and is not in any way under the jurisdiction of the Civil Service Commission.

In his report of changes in the service for the month of August, the collector included the temporary appointments of C. Z. Dressell, E. D. French, Theodore H. Martin, and H. Johnson, on July 1, and C. A. Parker and P. G. Sjoblom on August 1, without showing any authority for the same. At the time that these appointments were made the Commission had an ample register of eligibles, and had not been called upon to make certification for regular appointment or to authorize temporary appointment, and accordingly had communicated with the collector and with the Secretary of the Treasury to ascertain under what authority the appointments had been made. On December 9, 1898, the collector replied as follows: "I beg leave to say that whatever has been done by me in the matter of changes and appointments in this office has been reported to my superior officer, the honorable Commissioner of *Internal Revenue*, to whom I respectfully beg leave to refer you for the information

on call for in your letter." On December 14 the Commission again brought the matter to the attention of the Treasury Department and asked for reply to former communication. No reply has been received from the Department.

**Toledo (10th Ohio) Internal-Revenue District. File 863 S.**

Immediately after the assumption of the office by the present collector, G. P. Valdorf, in June, 1898, the Commission received letters from five of the deputy collectors who had served under the former collector, George W. Hull, complaining that they had been removed without notice and without charges being preferred against them, and that their places had been filled by appointments made by the collector without reference to the eligible list. In two of these letters it was definitely stated that all the deputy collectors in the district, of whom there were nine, had been thus removed. The Commission was at much trouble to obtain from the collector a report of changes in the service for the month of June, 1898, and upon its receipt this report was found to be defective and was returned to the collector for correction, since which time it has not again been received. The Commission's official records of appointments and removals are therefore to this extent incomplete, but it can be stated positively that up to March 1, 1899, no appointments had been made in this district from the register of eligibles, during the term of the present collector.

The complaints of the removed deputies, Messrs. D. W. Morris, J. H. Cunningham, John F. Shumate, F. W. Heald, and John P. Manton were referred to the Secretary of the Treasury for remark and return, and were by him referred to the Commissioner of Internal Revenue. Further than this the Commission is not advised of any action having been taken upon the matter by the Treasury Department.

On July 14, 1898, Mr. C. W. Tamplin inclosed to the Commission a copy of a letter from the collector, in which he requested Mr. Tamplin to resign the position of storekeeper, to take effect on August 1, stating that he wished to assign Mr. D. B. Lee to duty on that date, he having been recently reinstated in the service.

These several complaints were investigated in October, 1898, and in the report upon that investigation the following statements occur:

Aside from those relating to C. W. Tamplin and D. W. Morris, the complaints affected certain deputy collectors of internal revenue who were not recommissioned when the present collector of internal revenue assumed charge of the district. Mr. Tamplin, who charges that the collector removed him to make a place for D. B. Lee, was not separated from the service, but was relieved from duty and relegated to the unassigned list in the usual manner that has obtained in the Internal-Revenue Service for years, but this change in his status does not appear to have been made on account of political or religious reasons.

D. W. Morris has held the position of cashier, a position that was entitled to exception under the provisions of Rule VI. He was retired by the present collector upon the appointment of his successor. The Department has thus far failed to furnish the Commission with a complete list of the excepted places in each internal-revenue district, but from the statements made to me I believe that the position held by Mr. Morris is entitled to exception, and that had such list been furnished by the Department it would have been so designated.

L. H. Cunningham is still in the service, but occupying the position of office deputy collector. Under the previous collector he held the position of chief clerk, or chief deputy, which, under the provisions of Rule VI, was entitled to exception. When separated from the position of chief clerk he was out of the Government service from June 6 to June 15, after which he was placed in the position of office deputy collector, as above stated.

Messrs. John P. Manton, F. W. Heald, and J. J. Shumate, deputy collectors of internal revenue, were not recommissioned when Collector Valdorf assumed charge of the district. He took the same view of the situation that many collectors and the Commissioner of Internal Revenue have taken, namely, that the commission of a deputy collector of internal revenue expires with that of the officer who appointed him.

## 2. CUSTOM-HOUSE SERVICE.

## GENERAL STATEMENT.

The civil-service act required the classification of all customs districts having as many as 50 employees. This original classification included 11 ports. On November 2, 1894, the classification was extended, by direction of the President, to all districts having as many as 20 employees, making the number of classified ports 48. On May 6, 1896, an order was issued classifying all districts with 5 or more employees, thus making the number of ports subject to the civil-service rules 93, and on July 27, 1897, a further order classified all customs districts, so that the total number of ports now embraced under the rules is 153. The original classification included 2,573 employees. In 1896 there were 4,933 persons in the classified custom-house service, and the President's order of July 27, 1897, classified 73 additional employees, bringing the total number at present to 5,103.

There were 753 appointments and 857 separations in this branch of the service during the year ended June 30, 1898, against 215 appointments and 333 separations during the preceding fiscal year. In this fiscal year there were 66 veterans of the civil war reinstated, against 7 such reinstatements during the year previous.

By the amendments to the rules July 27, 1897, 386 positions were excepted from competitive examination. The rule requires that appointments made to such excepted places shall be subject to an examination to be prescribed by the Secretary of the Treasury, not disapproved by the Commission, equal to the examination held by the Commission for positions of like grade. Between July 27, 1897, and June 12, 1899, 231 appointments have been made to these excepted places. Sixty-nine of the persons thus appointed have been examined, 32 passing and 37 failing to pass. While of those taking the same examination competitively, 63 per cent passed during the year, only 46 per cent of those examined noncompetitively passed, and those passing have usually done so with lower averages. The Secretary of the Treasury was informed of the result of each examination and requested to remove from the service those who failed to pass. Of the 37 persons who failed to pass, the records of the Commission show that only 8 have been removed. This condition of affairs calls for an explanation, and this, so far as it exists, is to be found in the following further statement of facts:

Immediately after the promulgation of the amended rule above referred to, the Commission prepared to examine the persons nominated in accordance therewith, using questions of the same scope as those for competitive examination. Before many of these examinations had been held, numerous protests were received, complaining that the examinations were too difficult and requesting reexaminations in which questions of a less difficult character should be used. The matter was taken up by the Treasury Department and the Commission, and after considerable investigation and interchange of opinion, the Department requested that the excepted positions should be classed as requiring first grade or second grade questions, with some slight modification, instead of the first grade only, which were the questions used in the competitive examination for similar positions.

The request of the Department in this matter was carefully considered by the Commission, and, as the holding of these examinations had been suspended during the negotiations between the Department and the Commission, it was deemed advisable to await the anticipated amendment to the rules, with the expectation that this rule would be changed so as to meet the views of the Department as to the examinations, the Commission not regarding the examinations, when modified as proposed, as being in all cases equal to the competitive examinations.

It is well to state in this connection that the provision of the rule which required these noncompetitive examinations to be equal to the regular competitive examination for similar positions was originally inserted at the instance of the Treasury Department.



At nearly all of the larger ports there is a strict observance of the rules, and the necessity for systematic regulation in regard to appointments is realized. It is mainly in the smaller ports, where there is less system, that evasion of the rules occurs. At the port of New York regulations for promotion on merit have prevailed for many years. A history of these promotion regulations will be found at page 190 of the Fourteenth Report.

At several customs ports (see statements elsewhere in this volume respecting the ports of Pensacola, Fla., Mobile, Ala., and Duluth, Minn., and that respecting the port of Bridgeport, Conn., at page 329 of the Fourteenth Report) the Secretary of the Treasury authorized the change of designation of a position subject to competitive examination, such as entry clerk or the like, to that of cashier, a position excepted from competitive examination. This was done by abolishing the competitive position and creating in its stead a new position, under the designation of cashier. Following this, the person occupying the competitive position would be removed without charges and a hearing (civil-service Rule II, section 8, applying only to competitive and not to excepted places), and the position of cashier filled without examination.

It is clear from the language of Rule VI, making exceptions in the customs service, that in the main office in each district two positions may be excepted, namely, one cashier and one chief or principal deputy or assistant collector. The appropriations for the customs service are made in lump sums, and the officers and employees in each district are under designations fixed by the Department and not by Congress. In other words, the matter of designation is entirely within the discretion of the Department, and therefore designations of different positions may be changed at will. It follows that just as soon as a position in a customs district is designated by the Department as that of cashier, that position becomes an excepted position under the rules, and the same is true in the case of the position of chief or principal deputy or assistant collector. There seems to be no restrictions upon the Department as to what positions shall be designated as cashier or as principal deputy, although of course, as a matter of good faith, the persons who are appointed to the position of cashier, for instance, should perform the duties of such position.

It appears from the statements of the Department that the positions designated as cashier in Pensacola and elsewhere are those in which the duties of cashier are to be performed. It does not appear that the occupants of these positions were transferred from positions which they were holding to other positions with the designation of cashier, but rather that the positions which they were holding were the ones the designation of which was changed by the Department to cashier. This, as shown above, the Department had authority to do. They were therefore removed from excepted positions, and for that reason their removal was not subject to the President's order of July 27, 1897. The only practical restriction upon the removal from an excepted position is that it shall not be made for political or religious reasons. It seems clear, therefore, that the Commission has no authority to interfere in the case of these removals, unless there be submitted evidence that they were made for political or religious reasons.

#### **Astoria, Oreg., Custom-House. File 702 S.**

During the period from February 1, 1898, to December 31, 1898, there were eight separations from the competitive positions in the Astoria district, equal to 57 per cent of the entire force.

On February 21, 1898, C. L. Houston, deputy collector and inspector of customs at the port of Astoria, Oreg., was asked to resign by the collector, John Fox, who had just assumed the duties of his office. Frank L. Parker and Duncan McLean, on the same date, February 21, 1898, were appointed to positions excepted from competitive examination in that district. In April the collector informed the Commission that James E. Campbell and Ernest L. Mitchell, inspectors, had presented their resignations, which had been accepted.

Mr. Houston appealed to the Commission and the Treasury Department, claiming that his removal was in violation of the provisions of the civil-service rules. It does not appear that he has been reinstated.

On June 21, 1898, F. R. Madison, sr., transmitted to the Commission a letter headed, "U. S. Customs Service, Port of Bay City, Oreg.," in which he stated that he had been transferred from Astoria, Oreg., as an inspector of customs under a certificate of appointment dated April 21, 1897, and complained that the collector had "verbally requested his resignation in April last, asserting that political reasons were ample, and that there was nothing in the civil-service rules that he had to respect." It appears that Collector Fox again, on August 21, 1898, informed Inspector Madison, in writing, that his services as inspector of customs for Tillamook Bay would terminate on August 31, 1898, Mr. W. L. Brooks, of Tillamook, having been appointed deputy collector to succeed him, no cause for the separation being assigned. Copies of both requests for Inspector Madison's resignation were filed with the Commission, together with Madison's protest, dated August 26, 1898. These were referred to the Treasury Department for remark and return. On October 5, 1898, the Department informed the Commission that the matter had been investigated, as a result of which the collector of customs had withdrawn his recommendation for the removal of Mr. Madison and had reassigned him to duty in his former position.

#### **Duluth, Minn., Custom-House. File 725 S.**

In conforming to Presidential order of July 27, 1897, excepting from competitive examination certain positions in each customs district, the Treasury Department, on October 14, 1897, furnished the Commission with a list of the persons affected by said order. In the Duluth customs district one special deputy was excepted under clause (b) and three principal deputies under clause (c) of the exceptions in the customs service. (See Rule VI.) On April 4, 1898, the Treasury Department informed the Commission that the position of deputy collector and inspector, Class B, occupied by Edwin D. Brown, had been designated as excepted, for the reason that Mr. Brown was performing the duties of cashier. This exception was presumably made under clause (a) of the custom-house exceptions. On April 9 Mr. Brown complained to the Commission that he had been informed that his designation had been changed to cashier for the reason, as he alleged, that he might be removed from the service and a Republican appointed in his stead.

Mr. Brown also alleged that after Mr. West had been appointed to the position of cashier he performed the duties of inspector or appraiser, and no others, the duties of cashier being performed by a special deputy collector.

Mr. Brown's complaint was made the subject of correspondence with the Treasury Department, and it was stated by the Department that Mr. West had not been performing all of the duties of cashier since his appointment, for the reason that he had thus far been very busy at his other duties, but that he was on May 24, 1898, attending to his duties as cashier, and would continue to do so in accordance with the instructions of the Department.

The circumstances in this case are similar to those given in the general statement at p. 363. The removal being from an excepted position and therefore not restricted by the provisions of section 8 of Rule II, the Commission had no authority to interfere, unless evidence was submitted that removal was made for political reasons.

An investigation of Mr. Brown's removal, made on March 25, 1899, by direction of the Commission, covered the following points: Whether the change in designation of the position held by Mr. Brown, from deputy collector and inspector to cashier, and his subsequent removal, were made for political reasons; whether Mr. West, his successor, actually performed the duties of cashier; whether by the change in designation and the exception of this position additional force was required; and whether the change was made in good faith and for the good of the service.

*During the investigation all of the persons mentioned by Mr. Brown as having knowledge of facts were questioned by the examiner, without eliciting any evi-*

dence in support of his complaint. Mr. Willcuts, the collector, furnished a signed statement to the effect that the change in the cashiership was made for the good of the service, and that Mr. West, the successor of Mr. Brown, had acted as cashier ever since his appointment, and, with the exception of the first month or so, had been in the full and entire discharge of the duties pertaining to that position, and that additional help was not needed when the position of cashier was created.

It thus appeared, in the absence of evidence to the contrary, that the Department in changing the designation of the position held by Mr. Brown was clearly within its right. The separation from an excepted position was not shown to have been made for political reasons, and was apparently made without violation of the civil-service rules.

#### **El Paso, Tex., Custom-House. File 729 S.**

Under date of July 15, 1898, John R. Scott informed the Commission of a demand made upon him by the collector of this port for his resignation from the position of mounted inspector.

Mr. Scott stated that the collector, when asked his reason for demanding Mr. Scott's resignation, "merely hinted at charges that he claimed to hold that would ruin me if he preferred them; but he declined to inform me of their nature and persisted in demanding my resignation, which I politely declined to tender."

Mr. Scott affirms that since his appointment, in 1893, he has never been reprimanded, nor called upon to refute any charge of either delinquency or misconduct. He alleges that the collector is actuated solely by political reasons; that he has, on various occasions and to divers persons, expressed his contempt for the civil-service law, and has publicly declared his intention to remove whomsoever he chooses and fill the vacancies thus created "with his own people," regardless of the civil-service law. The appointments of several persons are alluded to as having been made without regard to civil-service rules while the eligible registers contained sufficient names to meet requirements. The El Paso Daily Times published an article in accordance with the above statements, in which it referred to Scott as an active and honest inspector and strictly sober.

Mr. Scott was informed on July 22 that, as far as the irregular appointments referred to were concerned, the condition of the registers was such as to allow the temporary appointment of the persons named, and that his communication had been forwarded to the Secretary of the Treasury for remark and return. On October 22 reply was received from the Treasury Department to the effect that the matter had been made the subject of an investigation by one of its special agents, from which it appeared that the facts connected with the charges against Scott were such that, even if he had submitted his defense, his removal from the service would have been justified, and that the Department had approved this course after a careful consideration of all the papers in the case. On December 5, 1898, Mr. Scott was so informed, with the further information that the sole power of deciding as to the sufficiency of the charges rested with the Department, the Commission not being vested with authority to review the action taken unless it can be shown that the civil-service act or rules have been violated.

#### **Galveston, Tex., Custom-House. File 730 S.**

Mr. Francis E. Lee assumed the duties of the office of collector of customs at Galveston, Tex., on March 21, 1898, and on the same day nominated Mr. Ed. Ketchum for the position of chief clerk, an examination-required place. Mr. Ketchum at once entered upon duty. The Commission was advised, in a letter dated March 19 from a citizen of Galveston, that an attempt would be made to fill the position through the appointment in violation of the civil-service rules, instead of from the existing register of eligibles or by transfer or promotion, as provided by the rules. It further appears that the collector appointed George A. Snow to the position of messenger, ignoring again the requirements of the rules.

These violations became the subject of correspondence between the Commission, the collector at Galveston, and citizens of the State of Texas. After several months, during which these illegal appointees drew the salaries of their respective positions and the period of eligibility of persons on the civil-service registers necessarily grew shorter and shorter, to the discouragement of eligibles who had been examined, Ketchum and Snow were finally dropped from the rolls.

**Key West, Fla., Custom-House. File 739 S.**

[See report of the removal of Richard H. Kemp, pp. 331 and 332. Fourteenth Report.]

The position of chief inspector at Key West became vacant on October 1, 1897, by the resignation of Philip E. Thompson, and on October 10, 1897, Mr. Peter A. Williams was given a temporary appointment of three months to fill the vacancy, and at the expiration of that period was again given an additional temporary appointment, at the expiration of which he was given a third temporary appointment. On November 15, 1897, Roberts was dropped from the rolls, his position being abolished. There was a register of first-grade eligibles at the time of the second and also of the third temporary appointment.

The Commission, in November, 1897, protested against the course pursued in this matter, stating that the vacancy might be filled from the clerk register; but it subsequently appearing that the chief inspectorship is in class 1, at a salary of \$3.50 per diem, a certification from the clerk register could not be made, as the civil-service rules require that where promotion regulations have been applied (as is the case in the custom-house service) entrance to the service shall be through the lowest grade. The Commission, on March 11, 1898, advised the Secretary of the Treasury that "under the promotion regulations of May 20, 1896, a vacancy in the position of chief inspector should have been filled by promotion of an inspector of a lower class, and the vacancy thus created in the lower class of the grade of inspector should have been filled by the promotion of a person in a class still lower, or, if there was no lower class, by certification from the eligible register. If this course had been followed it would not have been necessary to discontinue the services of Roberts." In the same letter to the Secretary of the Treasury the Commission stated that it "can not consent to the further continuance of Peter A. Williams in the position of chief inspector, for the reasons contained in this communication, and has to suggest that upon filling the position by promotion which he now holds Mr. Roberts should be reinstated to the service."

On March 16 the collector was informed by Assistant Secretary of the Treasury Howell that "Under the requirements of the civil-service rules the position of chief inspector, class 1, must be filled by promotion from a lower class, and that an original appointment must be made to the vacancy thus occurring in the lowest class of the grade of inspector by certification or reinstatement." Notwithstanding this letter, the collector did not cause the separation of Williams, but, in a telegram to the Secretary of the Treasury dated April 12, asked the authorization of a third temporary appointment of Williams under a misapprehension that there were no names on the eligible list of inspectors from which a certification could be made, which authorization it appears was made by the Secretary of the Treasury on the representation of the collector.

On June 10, 1898, the Commission again protested to the Secretary of the Treasury and again suggested that "it is necessary that Mr. Williams be separated from the service and his successor appointed in accordance with the rules."

Williams's name was finally dropped from the rolls and promotion from a lower grade was made to fill the vacancy.

Williams was, however, again given a temporary appointment of three months on November 18, 1898, this last appointment being to the position of night inspector. Mr. Roberts was not reinstated.

Having passed a first-grade examination on January 16, 1899, Williams was on

April 13, 1899, selected from a certification for special night inspector and duly appointed in accordance with the rules to fill an existing vacancy.

**Louisville, Ky., Custom-House. File 741 S.**

On March 31, 1898, W. E. Ryan complained that he had been notified by the collector at this port that he would be removed on April 1, 1898, the collector stating that he had no fault to find with him or his work, but that he (the collector) was under very strong political pressure. At the same time Mr. Ryan stated that there was no position of cashier in this office, such duties being performed by the chief or special deputy, and that he had never acted in the capacity of cashier, his title being clerk No. 1, class 2.

Mr. Ryan was informed of the decision of the Commission given at length in the general statement at page 363, and that the only restriction imposed by the civil-service act and rules upon a removal from an excepted position is that it shall not be made for political or religious reasons. So far, no evidence has been filed to show that this was done, and no further action, therefore, has been taken by the Commission.

**Marquette, Mich., Custom-House. File 743 S.**

From the reports and correspondence on file relating to appointments and removals in the custom-house service in the Superior district it appears that the collector was appointed in December, 1897, and proceeded to make changes in the official force in this district. On December 31 Patrick Brady and Robert Flood, deputy collectors and inspectors, were separated from the service, their positions being abolished "for the purpose of reducing expenses."

The Treasury Department authorized the appointment, on February 15, 1898, of John G. Strodley; on March 1, of Edward W. Miller, and on November 11, of Samuel M. Billings to excepted positions—deputy collectors subject to noncompetitive examination—and on January 9, 1898, of Guy W. Burnham as deputy collector, exempt from examination under the rules, the aggregate compensation attached to his position being less than \$300 per annum.

Other appointments having been authorized, the Commission, on May 23, 1898, informed the Treasury Department that George Tucker, having been given a non-competitive examination and having passed, was eligible for appointment to an excepted position, and on October 1, 1898, the Department was informed that Thomas B. Mills and John E. Tobin had failed to pass the noncompetitive examinations given them, and were therefore ineligible for appointment to excepted positions.

On October 25, 1898, the Commission received a complaint from Frank O. Mayotte, in which he alleged that he had been unlawfully removed from the position of inspector of customs. He inclosed copies of letters dated October 3, 1898, written by Collector John Q. Adams to him as deputy collector at Sault Ste. Marie, dismissing him from the customs service. In these letters the collector states that "the charge against you is set forth in an extract from a letter written to me by R. M. Campbell, of Port Huron," which extract is quoted, and "that such defense as you desire to make to the charges herewith inclosed must be made to the collector of customs for this district within three days from the receipt of the copy of the written charges."

On October 5 Mayotte made a statement, under oath, in which he denied the charges made by the collector and transmitted it to the collector, together with the affidavits of two citizens of Sault Ste. Marie, who corroborated Mayotte's statements, both being eyewitnesses of the alleged unofficial conduct complained of by Campbell. Mayotte forwarded copies of these affidavits to the Treasury Department and to the Commission, accompanied by his answer to the charges made against him.

The Commission has not been advised of his restoration to his former position.



**Mobile, Ala., Custom-House. File 746 S.**

On October 14, 1897, the Treasury Department designated as "chief deputy and cashier" the position in the Mobile, Ala., custom-house which, under the law, was entitled to be excepted from the requirement of competitive examination and from the provisions of section 8 of Rule II. On May 24, 1898, the Commission received a communication from the Treasury Department stating the appointment of Douglas Smith as cashier, class 1, at this port, subject to a noncompetitive examination as required by Rule VI, indicating the decision of the Department to treat two positions in the Mobile custom-house as excepted. The new cashier position was formerly known as that of "deputy collector and clerk," the occupant being Mr. W. R. Logan. Mr. Logan protested against the change of designation and consequent exception of his position, which was, as he alleged, in order to enable the collector to find a place for a personal friend. The matter was the subject of correspondence with the Treasury Department, and in a letter dated May 13 the Department held that Rule VI clearly permits appointment to two positions in each customs district without the appointees undergoing a competitive examination, provided they are required to perform the duties pertaining to the positions excepted, such positions being those of special deputy collector and cashier.

The circumstances in this case are similar to those given in the general statement, at page 363, the removal being from an excepted position, and therefore not restricted by the provisions of section 8 of Rule II, and it not being shown by competent evidence that such removal was for political or religious reasons.

**New York, N. Y., Custom-House. File 754 S.****REMOVAL OF ASSISTANT WEIGHERS.**

On September 1, 1898, a communication reached the Commission, signed by F. A. Hornby and several others, protesting against the action of the collector at this port in removing them on August 31 from their positions as assistant weighers, on the stated ground that their services were no longer needed, and then filling their places with temporary appointees.

The complaint was referred to the Treasury Department on September 7, and on September 14 a reply was received to the effect that the services of the complainants were discontinued and their offices abolished, upon a recommendation of the special agents of the Department, for the purpose of reducing the expenses of collecting the revenue from customs.

Other complaints bearing upon this same subject were made, and the matter was taken up by Commissioner Brewer during his visit to New York in connection with the investigation of other complaints. From the papers in this case it appears that prior to July, 1898, there were employed in the offices of the several United States weighers' districts and the deputy surveyor in charge of weighers and assistant weighers, fifteen employees, who, although carried upon the rolls as assistant weighers, were actually performing clerical duty. In June, 1898, the surveyor of the port decided to transfer these fifteen positions of assistant weigher which were filled by persons located at the several weighers' offices, to his own building, in order that this force might be centralized and be under his constant supervision. The fifteen assistant weighers who had been performing clerical duty were returned to the assistant weighers' force and this force was reduced by fifteen persons in the order of their efficiency, and in lieu thereof fifteen clerks were appointed from the eligible register and assigned to duties under the supervision of the surveyor. The clerks thus appointed were paid at the rate of \$1,000 per annum, while the assistant weighers whose services were discontinued had been paid \$1,252 per annum. This change permitted the discontinuance of six weighers' messengers and one classified laborer, resulting in a net saving to the Government of \$8,198 per annum.

Inasmuch as it would appear from the information obtained that the change had been made for reasons affecting the internal administration of the service, and inas-

much as there was no evidence to show political or religious discrimination in the selection of the persons removed, the Commission decided that it was without authority to take further action.

SUPERVISION OF LABORERS.

Early in September, 1898, a complaint signed by one John T. R. Fields, charging violations of the civil-service law and rules in the surveyor's department of the New York custom-house, reached the Commission. The charges involved irregular assignments in the office force. A conference was held between Commissioner Brewer and Surveyor Croft on September 17, and from the surveyor's statement and the information gathered in the conference it appears that ten or twelve unclassified laborers, called roundsmen, are assigned to the duty of supervising the work performed by two hundred and fifty regular laborers whose duty it is to handle and tally merchandise, clean and take charge of weighing implements, attend to their distribution and return, and clean the offices of the United States weighers.

The assistant weighers, upon whose work depends the employment of the laborers, are per diem men (that is, they are paid only when employed), and are naturally desirous of being kept steadily employed, and the evidence of such employment is only through their having an assignment of gangs of laborers to them. Any unnecessary employment of assistant weighers means therefore a similar employment of laborers. Every effort has been put forth to defeat the endeavor of the Department looking to the intelligent supervision of day labor employed, which is unsafe to leave in the hands of men whose own employment depends on keeping the laborers on the pay roll. In every case where reports were made to the surveyor that certain gangs of men were idle or irregularly employed it was found to be the fault of the assistant weigher. The office found that by detailing one man in each twenty-five to supervise the work of the others much more could be accomplished than by detailing the whole twenty-five to laboring work. This system of details is employed by all contractors engaged upon public or private work. If a contractor, who is pecuniarily interested in the result, finds it advantageous to pay men for simply overseeing others, the system ought to work equally well where the Government is the employer. The designation of roundsman carries with it no permanency.

"It seems to me," said the surveyor, "that there can be no question under the civil-service law or regulations as to the propriety of employing these men in this capacity. Both the spirit and the letter of the civil-service law appear to be directed toward preventing the employment of unclassified employees in classified positions. These so-called 'roundsmen' can hardly be classed as performing clerical duty, unless, indeed, it should be held that where they make a report to the surveyor as to the lapses of some laborer they should thereby be included in the classified service; but I think that the Civil Service Commission would hardly take such a strained view of the situation. The difficulty of devising an examination that would determine a man's qualification for such detail will be evident when the character of the man is taken into consideration. Should the test be educational it would hardly accomplish the desired object, for the reason that those best fitted to handle gangs of laborers are men whose education is extremely limited and who know no other field than that of labor pure and simple."

The Commission accordingly notified Mr. Fields, under date of January 12, 1899, that it considered that the temporary designations or details about which complaint was made could with propriety be made without contravening the order of the President that unclassified laborers shall not be assigned to classified work.

**Pensacola, Fla., Custom-House. Files 760 and 6063 S.**

On January 26, 1898, complaint was made by A. C. Berry, late inspector of customs in the Pensacola custom-house, charging Collector Stillman with abolishing his position for the purpose of securing his removal from the service, and immedi-

ately recreating it and appointing thereto a person who had voted the Republican ticket.

The complaint was referred to the Treasury Department, and in reply thereto, under date of February 11, the Assistant Secretary of the Treasury stated that certain changes in the customs force at Pensacola were authorized by the Department on January 11, 1898, upon the recommendation of its special agents. Among these changes was the dismissal of Chief Inspector Berry, whose services were no longer considered necessary. A reduction in the compensation of the four remaining inspectors was also recommended. In the rearrangement of the numbers following these reductions from Class E to Class D, Charles N. Quinn, formerly No. 5, Class E, was given No. 4, Class D, the number which was formerly attached to Mr. Berry's position in Class E, but in no case did he take Mr. Berry's place, that being abolished, and the number of inspectors reduced from five to four.

Inasmuch as no evidence was submitted to show political discrimination in Mr. Berry's removal, or to impeach the action of the Department, the Commission declined to take further action in the case.

The alleged contemplated removal of Stephen A. Moreno from his position in this custom-house has been the subject of correspondence between the Commission on the one hand and the Treasury Department and those acting in the interest of Mr. Moreno on the other. It appears that on April 15, 1898, the Department authorized the designation of the position held by Mr. Moreno (that of deputy collector and clerk) to be changed to that of cashier, and that in accordance with this authority such designation was made on May 26. Collector Stillman states that Mr. Moreno, on being advised of the action contemplated, stated that he would accept the designation and perform the duties of cashier, but on May 26, when called upon to take the oath and assume the duties of the position, he refused, saying he preferred to leave the service, and immediately left the office. While not calling in question that part of this statement relative to Mr. Moreno's expression of willingness to accept the change gracefully, it is but justice to Mr. Moreno to state that as early as April 20 he filed a communication with the Commission protesting against the action contemplated by the Department, and that later others in his behalf filed similar protests, contending that such action was a mere subterfuge whereby the provisions of section 8 of civil-service Rule II might be evaded.

However that may be, there is nothing in the papers in the case, aside from these protests, to show that Mr. Moreno's removal was contemplated or that the action of the Department in changing the designation of the position held by Mr. Moreno was not in accord with the authority conferred by civil-service Rule VI, the Commission's construction of which appears in the general statement at p. 363; and the Commission notified Mr. Moreno and those who had interested themselves in his behalf that it had no authority to act in the premises.

The question of the status of Mr. Moreno under civil-service rules, arising from his leaving the service after refusing to take the oath and assume the duties of cashier, was not presented to the Commission, but shortly after his separation Mr. Moreno was reinstated to a position in the Pensacola custom-house by the Department.

#### **Philadelphia, Pa., Custom-House. Files 763 and 6066 S.**

On June 21, 1898, a complaint was filed with the Commission, charging Collector Thomas with removing forty employees from classified positions under the pretext of abolishing the positions in the interest of the service, but in reality for political reasons. This communication was followed by another, dated August 3, in which the number of classified employees alleged to have been dismissed was given as seventy-five, all Democrats. It was further alleged that the removals were made regardless of the efficiency of the employees, and that many of the places were immediately filled by political appointments.

*The Commission* replied thereto under dates of June 28 and August 8, informing

the complainant that it could take no action in the matter unless he made his charges more specific and submitted or offered to submit evidence to prove that the removals were made in violation of the civil-service law and rules, and calling attention to the fact that when removals or reductions are made for reasons affecting the internal administration of the service it has no authority to interfere.

On August 10 a communication from another source bearing on the same subject reached the Commission, and the matter was referred to the Treasury Department on August 11. In his letter to the Commission, under date of September 3, respecting this matter the Secretary of the Treasury stated that the action of the Department in discontinuing the services of certain classified laborers and in appointing unclassified laborers in their stead was taken for the reason that the duties of the laborer force at that port are exclusively manual labor and require men of robust constitution, capable of performing heavy labor; that the compensation of this class of laborers is paid from an appropriation limited to \$5,000 per month, intended solely to defray the cost of labor in weighing and handling heavy merchandise and for no other purpose; that the service rendered by the classified laborers formerly employed was not in connection with nor for the purpose of said appropriation; that the weighers' laborers are an emergency force fluctuating according to the necessities of the port and receive a per diem compensation only when actually employed; and that in view of these facts the Department had authorized the employment of thirty two unclassified laborers, by reason of the character of the duties performed by them, to be in lieu of certain classified laborers who had been improperly employed.

Inasmuch as there was nothing in evidence to impeach the action of the Department in making the changes for business reasons, and as no violation of the civil-service act or rules was apparent, the Commission notified the complainants that it could not interfere.

Later, however, complaints were received from two of the employes who had been removed, alleging, with offer of proof, that political rather than business reasons were the basis of the action in abolishing the classified laborer positions; that this was evident from the fact that none but Democrats had been removed and none but Republicans appointed, and from the fact that, while the changes in the laborer positions were alleged to have been made for the purpose of securing men of robust constitution, men possessing the requisite qualifications had been removed to make places for men physically incapable of performing the work required, some of whom, it was alleged, are cripples, for men who neglected their duty, and for men who had other business to which they devoted the time due to the Government. They further alleged that the men dismissed had been separated from the service without charges or a hearing, in violation of the rules.

These complaints, together with the action of the Department in discontinuing certain positions in the grades of assistant weigher, night inspector, messenger, clerk, and inspector, and a complaint charging T. Larry Eyre, a deputy collector serving under temporary appointment, with spending his time during office hours at the headquarters of one of the political organizations, collecting political assessments, were made the subject of a communication to the Secretary of the Treasury on January 24, 1899, and also of a conference with Collector Thomas, who stated, in substance, that his object and that of the Treasury Department in reorganizing the force had sole reference to curing certain abuses and promoting efficiency and economy. The collector at this port is allowed an appropriation limited to \$5,000 a month, intended solely to defray the cost of labor in weighing and handling heavy merchandise, and for no other purpose. Out of this fund he employed laborers at \$2 a day. Many of these laborers, through political influence and because of physical infirmities, had been permitted to do the work of the classified service, such as that of clerks, messengers, watchmen, etc., contrary to their designation. In the reorganization each man is required to perform work according to his designation, watchmen who were doing clerical work being returned to watchman duty, and

so on. The thirty-one laborers who were doing the work of the classified service were removed altogether, as there was no need for continuing them, and their places were not filled.

The removal of these laborers was a clear saving, as there were enough clerks, watchmen, messengers, etc., in the regular force without the regular detail of the laborers. These removals were made in the spring, upon the recommendation of special Treasury agents, in connection with an examination of the customs business of the port. In September, owing to the large increase in the importations of sugar, it became necessary to increase the emergency force of weigher's laborers, and the appropriation for that purpose was increased from \$5,000 to \$7,000 a month. The men who had been removed in the spring were not again taken on in September, because they were the least efficient and were not capable of performing heavy manual labor. In explanation of the statement that men physically incompetent to perform laborer's work have been employed, the collector stated that there are certain parts of the work which do not require robust men, as, for instance, the sweeping of the scales; but no laborers have been employed who are not fully competent for the kind of work to which they are assigned.

With reference to the charges against Mr. Eyre, the collector stated that he is the general assistant of the Republican State committee, but has taken no part in the collection of assessments, the State committee being specially careful on this point, and has given his entire time during office hours to the duties of his position as outside deputy, and his work has been especially thorough and satisfactory. A similar statement was made by the Secretary of the Treasury in reply to a reference of the Commission containing charges against Mr. Eyre.

#### COMPLAINT OF A. H. SPRACKLIN AND OTHERS.

The complaint of A. H. Spracklin (File 763), formerly chief of division in this custom-house, filed with the Commission on July 28, 1898, was referred to Collector Thomas for a statement on July 30. Mr. Spracklin was removed from the service on June 15, 1898, his position having been abolished by the Treasury Department for the purpose of reducing expenses at the custom-house. In his communication to the Commission he did not directly charge the collector or Department with violating the civil-service law, but intimated that the provisions of Department Circular No. 122 had not been complied with and questioned the reason assigned for abolishing his position, alleging that his desk had been assigned to a new clerk before he had left it. In his reply to the Commission's reference of July 30, Collector Thomas stated in effect that Mr. Spracklin became separated from the service by reason of an order from the Secretary of the Treasury abolishing his position; that changes had been made at that port to reduce expenses and to reorganize and strengthen the clerical force; that no new clerk had been appointed to fill Mr. Spracklin's place, as alleged, but that a \$1,000 clerk who had been in the service for years was doing the work formerly done by Mr. Spracklin with exceptional satisfaction; and that while the reorganization of the clerical force necessitated some removals and appointments, removals had been made in every instance from among those found to be least efficient, and every appointment had been made from the list of eligibles, with the result of a reduction in expenses and increased efficiency.

Inasmuch as it appeared that the action of the Department was based upon the internal administration of the service, and no evidence appeared showing political or religious discrimination in the removal of Mr. Spracklin, the Commission notified him on August 13 that it had no power to interfere in his behalf.

The complaint of another employee, alleging that although his position was abolished, he was immediately succeeded by a person who performs precisely the same duties that he previously performed, is now the subject of correspondence with the Treasury Department.

*A complaint of a classified laborer containing a similar charge to the one just noted, and another charging the collector with a violation of section 8 of Rule II,*



were referred to the Commission by a Member of Congress under date of February 27, 1899, who stated in his letter of reference:

From my examination of the matter, I can come to no other conclusion than that they were removed for political and not for any cause demanded by the good of the service.

These complaints were referred to the Treasury Department on March 4, 1899, reply to which was embodied in the Department's response on March 18, 1899, to the Commission's letter of January 24. This communication is for the most part a reiteration of statements already made by the Department and given above. The last two complainants it said were among those laborers whose services had been discontinued by reason of the reorganization recommended by an agent of the Treasury Department in May, 1898. They "were not performing the duty of scale hands, but were on detached service." The Department again denied that political reasons were the basis of this reorganization; that some of the persons employed are physically unable to perform the duties of their offices; that some are absent the greater part of the time and do little actual work; and that the duties now performed by such employees are the same as that performed by the classified laborers, inasmuch as the Department, on finding that a limited number of these had been assigned to various duties in the custom-house, presumably of a classified nature, had directed the immediate discontinuance of such details.

#### **Port Huron, Mich., Custom-House. File 766 S.**

On June 21, 1897, John Terney, William Springer, and J. A. McMartin, employed in the custom-house at Port Huron, were found guilty of collecting contributions for political purposes from their fellow employees and fined \$50 each. They had previously been dismissed from the service, which fact was, the court stated, considered in imposing the fine. The evidence upon which a conviction was obtained was furnished by the fellow-employees of Terney, Springer, and McMartin, who testified before the grand jury that they had on different occasions been called upon to make contributions and had made such contributions.

These employees had previously been assured by the Commission's representative that, so far as lay in the power of the Commission, any statements they might make would not be used to their prejudice. This assurance was given because the Commission was satisfied that the contributions were paid under fear of removal, and those paying them were only technically *particeps criminis*—in other words, that the men were victims of a system of tribute levying which it was one of the principal purposes of the civil-service act to prevent. It was only through the evidence thus obtained that Springer and Terney were convicted. All or nearly all of the employees appear to have made contributions.

Almost immediately on entering upon the discharge of the duties of collector of customs, in June, 1897, Mr. A. R. Avery began calling upon the deputy collectors under him for their resignations, charging them with the payment of contributions for political purposes during the previous Administration, and threatening criminal prosecution if compliance was not made. In this manner the resignation of Charles Mustard was procured, and Andrew K. Burrows, Frederick Finster, and William F. Muir were dismissed from the service. The appeal made by these men to the Commission, and the resulting correspondence with the Treasury Department, appear in the Fourteenth Report. In this correspondence the Commission stated: "The Commission presumed that the Department, having removed the guilty parties, considered the case as closed. It seems, however, that the new collector is taking a technical advantage of the provisions of the civil-service act by obtaining the removal, for purely partisan reasons, of certain of the subordinate employees of this customs district who paid the assessments under fear of removal." The action of Mr. Avery in removing Messrs. Burrows, Finster, and Muir was sustained by the Treasury Department.

tions to the collector, and they believed the collector should be permitted to act upon such resignations at his pleasure; that after considering the cases of Messrs. Finster, Burrows, and Muir, they found no good reason for reopening them; that Inspector Kronner's resignation had not been properly obtained, and they recommended that he be reinstated to the first vacancy occurring in his class; that the preponderance of the testimony obtained by them indicated that Deputy Collectors Dodge, McCafferty, Gleason, Conway, O'Brien, Myron, Egan, and Currie had given Collector Avery their resignations in the belief that they were among those to be dropped on account of the Department's order to make a reduction in the force. The portion of the report of the special agents concerning the payment of contributions for political purposes was as follows:

It having been represented to us by several of the officers that in the fall of last year, and from January 1 last to the present time they had paid to Mr. George W. Moore, cashier of the St. Clair Savings Bank, of Port Huron, political contributions, we called Mr. Moore before us, when he confirmed these statements, but denied that such contributions were made with the knowledge and approval, so far as he knew, of Collector Avery. The latter also denied that he had any knowledge of the collection of contributions from officers by Mr. Moore, and we were unable to secure any testimony to contradict these gentlemen.

We informed Collector Avery fully in regard to the testimony on this point, and were told by him that he would at once notify all of his subordinates that they were not required nor expected to make contributions for political purposes to any person. He stated that he would transmit a copy of his notice on this subject to the Department.

The findings and recommendations contained in the special agents' reports were adopted by the Treasury Department. The Department also reported its findings that the charges against Messrs. Burrows, Finster, and Muir, other than that of making contributions for political purposes, were frivolous.

On July 1, 1898, the Commission wrote as follows to the Secretary of the Treasury:

This Commission is in receipt of your communication of June 28, transmitting copy of a report of special agents in relation to investigation of alleged irregularities in the customs service at Port Huron, Mich. Respecting such portions of the report as relate rather to the internal administration of the service than to the operation of the civil-service act and rules, the Commission does not feel warranted in offering observations. You state, however, that the agents found no good reason for reopening the cases of Inspectors Finster, Burrows, and Muir.

In respect to the refusal of the Department to reverse its action in relation to these men, the Commission feels obliged to make earnest protest. In this connection your attention is invited to the accompanying statement made by its secretary, who personally investigated the assessment cases, and also to the letter of the assistant district attorney of June 20, 1898, which accompanies the secretary's statement.

From the evidence before the Commission it seems clear—

1. That the assessments were paid under duress and through fear of removal.
2. That to remove employees for paying assessments under the circumstances related is a cruel and unusual punishment, for which there is no precedent.
3. That these men should not be singled out for this punishment. Nearly all the employees paid these assessments. To remove these three men and allow the others to remain in the service is a violation of clause 6 of Rule II, which requires that in making removals penalties like in character shall be imposed for like offenses.
4. To allow these removals to stand will work the defeat of the civil-service act respecting political assessments. Convictions can not be obtained under the act except through the testimony of employees who have paid assessments, and employees will not testify if they are thereby made subject to removal.

5. The evidence in respect to these assessments was laid before the Treasury Department in July, 1896, during the last Administration. If that Administration did not think proper to remove these men, with full knowledge of the facts, this Administration is not justified in reopening the case and making the removals. To do so establishes, to say the least, a strong presumption that the removals are made by the collector solely for political reasons.

The Commission is earnestly of the opinion that the honor and good faith of the Government has been violated by the collector in these cases, after notice of all the facts.

In conclusion, the Commission begs to express its appreciation of the action of the Department in directing the collector to return the resignations of the eight

officers, and to express the hope that it will direct the reinstatement of Messrs. Burrows, Finster, and Muir as an act of simple justice, no other charge remaining against them.

The letter of the assistant district attorney to which reference is made in the above letter to the Secretary of the Treasury is in part as follows:

In August, 1896, a communication was received from the Attorney-General at the office of the United States attorney here in Detroit, inclosing a copy of your report of your investigation of alleged political assessments in the Port Huron customs district and directing Mr. Lyon [United States district attorney] to investigate the matter and take such action as the public interests required. As assistant district attorney I examined the papers and speedily perceived that, as the case stood upon them, the only available testimony against Springer, Terney, and McMartin would be your statement of the admissions made to you at Port Huron by them. As to McMartin there was no admission which would be adequate to sustain an indictment, and even as to Springer and Terney the admissions were indefinite and unsatisfactory. It became evident that a thorough investigation of the matter demanded the summoning before the grand jury of every man employed in that customs district. I accordingly directed this to be done. My recollection is particularly distinct upon this subject, because from the beginning I took personal charge of the investigation. I presented the matter to the grand jury and I drew the indictments which were found.

On the day these men were summoned to appear they came in a body into the private office of the district attorney, and you and Mr. Lyon and I were present. I there informed them that it was my duty to advise them that no man was obliged to give testimony which would tend to criminate himself. They were evidently fearful of the effect upon themselves of refusing to testify, and were equally fearful of the result if they should testify. Mr. Lyon informed them that this investigation was directed by the Attorney-General, who based his action upon a report made to him by the secretary of the Civil Service Commission; that, whatever their testimony, they would not be prosecuted unless the Attorney-General so directed, and that he did not believe that the Department of Justice would be guilty of an act so dishonorable as to call parties for witnesses, take their testimony to indict and convict others, and then, after their testimony had been given, prosecute them for the violations concerning which they testified. Either Mr. Lyon or I remarked to them in that connection that they could have no reason to fear either removal from office or prosecution in consequence of admissions made before the grand jury, because officials, jurors, and witnesses were sworn to secrecy touching everything which transpired in the grand jury room, and it would be a punishable offense for any person to reveal a word of the testimony there given by any witness. It was further stated to them that this investigation was not directed to the subordinate officials, and that it could not be against their interests to freely and frankly state to the jury all they knew. No counsel appeared for any of these men, and they finally concluded to, and did, testify fully relating to all matters concerning which they had knowledge. I have no doubt that these men, all of them, were justified in believing that to refuse to testify would lead to removal from office, and that to testify would not injure them in any way.

After I had heard the testimony I concluded that if there had been sin in this matter these men had been sinned against rather than sinning. Upon the testimony thus given the indictment against McMartin was wholly based, and those against Springer and Terney were made certain. It was the fact that these men had testified which doubtless lead all the respondents to plead guilty, thus enabling the Department of Justice to effectually vindicate the efficacy of the law.

The resignations obtained by Collector Avery from Deputy Collectors Stockwell and Chadwick have been confirmed by the Treasury Department, although from the evidence on file with the Commission it appears that neither of these intended to leave the service, and only gave such resignations in the belief that thereby they might be retained a little longer.

Collector Avery later recommended to the Department the removal of Deputy Collectors McCafferty, Dodge, and Murphy, on the old charge of making political contributions two years before. The Commission brought this matter to the attention of the Department, and on August 4, 1898, was informed that Collector Avery had been advised that favorable action would not be taken upon his recommendations. The Department has refused, however, to reconsider the cases of Messrs. Finster, Burrows, and Muir.

**Portland, Oreg., Custom-House. Files 768 and 6071 S.****CASE OF WILLIAM J. GLEASON.**

On March 19, 1898, the Commission received a communication from Hon. W. R. Ellis, member of Congress, of Oregon, inclosing a complaint from William J. Gleason, an exemployee of the Portland, Oreg., custom-house, relative to his removal from a classified position by the collector of the port on March 1, 1898. It appears that Mr. Gleason was dropped from the service because the warehouse to which he was assigned as storekeeper had been abandoned by its owner—at least such was the reason assigned when the collector notified him of his removal. Mr. Gleason, however, claimed that in his removal unjust discrimination was exercised, in that he should have been furnished with charges and given a hearing under section 8 of Rule II, and under the statute providing that "In making any reduction of force in any of the Executive Departments the head of such Department shall retain those persons who may be equally qualified who have been honorably discharged from the military or naval service of the United States."

The Commission informed Mr. Gleason, under date of March 19, 1898, that it had no authority to inquire into the matter of a removal or a reduction made for reasons affecting the internal administration of an office, and could make an investigation only when it is alleged, with offer of proof, that the civil-service rules have been violated, and added that the enforcement of the provisions of the statute referred to rests with the heads of the Executive Departments and not with the Commission. No further action was taken.

**CASE OF L. A. PIKE.**

On August 1, 1898, as appears from the report of changes in the Portland custom-house, L. A. Pike, who held an excepted position in this custom-house, to which he was appointed on August 26, 1897, and later passed a noncompetitive examination to test his qualifications therefor, was transferred by Collector Patterson to a nonexcepted position in his office. The Commission immediately communicated with the Treasury Department, outlining the facts in the case, stating that the examination taken by Mr. Pike did not entitle him to such transfer, and requesting the Department's statement of the authority under which the transfer had been made.

The Acting Secretary of the Treasury, in reply, stated that the records of the Department showed that Mr. Pike had occupied an examination-required position of deputy collector and clerk in the Portland custom-house from August, 1887, to September, 1893, and was therefore eligible for transfer to the nonexcepted position.

On December 7 the Commission advised the Department that under the provisions of Rule X a person can not be transferred from an excepted to a nonexcepted position except under certain conditions, which did not appear to be fulfilled in Mr. Pike's case, and that upon the information before it it could not consider Mr. Pike eligible for the transfer. It accordingly requested that Mr. Pike either be retransferred to his excepted position or dropped from the service.

On December 16 the Department notified the Commission that in view of the statement contained in its letter of December 7 Collector Patterson had been advised of Mr. Pike's ineligibility for the transfer, and that the necessary steps should be taken for permanently filling the position under the civil-service rules.

On January 10, 1899, the Commission communicated with Collector Patterson, embodying in its letter the statement of the Department as given above, and requesting his statement of the action taken by him in pursuance of the Department's direction in the case.

On January 24 the Commission received a reply from the collector, inclosing a copy of a letter from the Acting Secretary of the Treasury, under date of January 7, 1899, authorizing him to designate the position occupied by Mr. Pike as excepted from competitive examination under the provisions of the order of the President dated July 27, 1897, with the understanding that the occupant perform the duties of special deputy under section 2630, Revised Statutes.



**Port Townsend, Wash., Custom-House. File 770 S.**

On October 30, 1897, Collector Huestis notified Mr. Perry J. Lyons, who had for some years occupied the position of deputy collector, in which capacity he was reported to have rendered signal service in a smuggling case, that his office was abolished. Mr. Lyons entered a protest against such action, when, on December 30, 1897, the collector preferred charges against him of complicity in smuggling Chinese into the United States and of falsifying his accounts. Following is a copy of Collector Huestis's letter to Mr. Lyons transmitting copies of papers embodying these charges:

SIR: I inclose herewith copies of papers which speak for themselves, and desire that you will make such statement in reply as you see fit. Will say that I had knowledge of charges against you at the time you were relieved from duties at Northport and considered that you would prefer stepping down and out of the service without these charges being submitted; hence my action in the matter. I desire further to say that of my own personal knowledge, outside of what I have heard, I know nothing about these matters, which were all said to have transpired during the time of my predecessors. I have also sent copy of these charges to the Department for such action as they may see fit to take.

Mr. Lyons replied to the collector's letter on January 4, 1898, denying the truth of the charges, stating that until the receipt of this letter he was under the impression that his office had been abolished by the Secretary of the Treasury; that the charges had been made by a malicious enemy, coupled with the statement of a criminal, and that the only course left was to stand on his legal rights to protect his reputation against such slanderous statements.

The person referred to by Mr. Lyons as a criminal was the only one of those convicted against whom indictments for smuggling Chinamen had been secured in 1896, largely, the Commission was informed, through the efforts of Mr. Lyons, the others having left the country.

The Commission communicated with the Department several times concerning Mr. Lyons's removal, and on April 7, 1898, the Secretary of the Treasury stated that Mr. Lyons had been dropped in order to make a certain transfer in that district possible, the collector being permitted to exercise his discretion in the selection of the deputy collector to be removed in order to permit a new appointment to be made in the excepted place.

Inasmuch as it did not appear from the Department's letter that Mr. Lyons's position had been abolished or that he had been removed as the result of the charges preferred against him by the collector, which, if containing a shadow of truth, were such as the Department could not properly ignore, the Commission, on May 7, 1898, again communicated with the Treasury Department, setting forth its information in the case, and stating that in the event Mr. Lyons's position had not been abolished, or he had not been removed from the service on account of the charges preferred against him, it assumed that his conduct and capacity were not less than good and that he should not have been separated from the service.

"If it became necessary to transfer an employee to the position which Mr. Lyons formerly occupied," the Commission added, "it would seem that Mr. Lyons should have been placed upon the list of permanent employees in the Port Townsend, Wash., custom-house, to be paid when employed, his promotion to the regular force to be made in accordance with the practice now followed in similar promotions in the Port Townsend district. In view of the fact that Mr. Lyons became separated from the service without a compliance with section 8 of Rule II, it is suggested that he be reinstated to the 'paid-when-employed force.' This would seem to be an equitable disposition of the case, and the Commission would be pleased to receive the Department's statement showing whether the suggestion can be followed."

In the reply of the Secretary of the Treasury, dated June 10, the following appears:

The collector of customs for that district was allowed to exercise his discretion in the selection of an officer to be removed, in order to permit a new appointment to be made in the excepted position at Northport, and the position in the lower grade,



occupied by Mr. Lyons, was made vacant and the person occupying the excepted place was reduced thereto. Similar action has been taken at other ports, in order to provide for appointment to excepted places.

Mr. Lyons was not removed on charges, but was separated from the service, so far as the records of this office show, through no fault or delinquency on his part.

Removal was not made for cause or upon written charges, but by virtue of the power of the Department, under law, to limit and fix the force and compensation of the clerks and employees in the customs service at any port or place.

In view of these facts, the Department must decline to further consider this case.

In a case similar to that of Mr. Lyons the Commission has expressed the opinion that the removal of a person from a position subject to competitive examination for the purpose of creating a vacancy to be filled by transfer from a position excepted from the requirements of examination is in contravention of section 8 of Civil-Service Rule II following:

No removal shall be made from any position subject to competitive examination except for just cause and upon written charges filed with the head of the Department or other appointing officer, and of which the accused shall have full notice and an opportunity to make defense.

Rule VI, which excepts certain positions from the requirements of examination, allows, first, appointments to certain positions without competitive examination; and, second, the separation of persons from such positions without compliance with section 8 of Rule II, above quoted. A person promoted from a competitive to an excepted position is not eligible for retransfer to the competitive service until the existence of a vacancy in that service; but such vacancy can not be regularly created "except for just cause and upon written charges." A removal merely for the purpose of creating a vacancy to which another person is to be transferred is not a removal for just cause, and such removal also violates the further provisions of section 8 of Rule II requiring that the person to be removed shall have full notice of the charges or reasons and an opportunity to make defense.

#### **San Diego, Cal., Custom-House. File 777 S.**

On August 11, 1898, the Commission received a communication from Mr. Cassius Carter, of San Diego, Cal., protesting against the removal of J. K. Wilson, principal deputy at Campo, a subport of the San Diego custom house, by Collector Bowers, for alleged political reasons. Mr. Carter, it appears, based his complaint upon statements alleged to have been made to him by fellow-employees of Mr. Wilson and upon the letter of the collector announcing to Mr. Wilson his contemplated removal, a copy of which follows:

OFFICE OF COLLECTOR OF CUSTOMS,  
*Port of San Diego, Cal., April 19, 1898.*

SIR: In pursuance of authority given by the Department, I intend to appoint Thomas B. Hartzell as deputy collector and mounted inspector in your place, and I send you this timely notice that you may make your arrangements accordingly.

I will withhold the nomination of Mr. Hartzell for a few days, that you may send your resignation if you desire; of course there are no charges against you under the civil service rules. There are but few changes I can make, and I desire to give an old soldier the place. You can, if you desire, retain your place until the approval of the nomination of your successor is received and he qualifies for the place.

Very respectfully,

W. W. BOWERS, *Collector.*

Mr. J. K. WILSON,  
*Deputy Collector and Inspector, Campo, Cal.*

Mr. Carter was advised on August 13 that the position in question is excepted from examination, and that the Commission could not interfere unless proof were offered showing that the removal was made for political or religious reasons. On the same date the complaint was referred to the Treasury Department, and in his reply on August 18 the Secretary of the Treasury stated, in substance, that inasmuch as the position in question is clearly within the provisions of the amendment to the civil-service rules approved by the President on July 27, 1897, excepting

from competitive examination principal deputy collectors at subports and stations within customs districts, the collector was fully authorized to make the change referred to without reference to the requirements of the civil-service rules, excepting that the new appointee be given a noncompetitive examination to test his fitness for appointment to the position, and that the Department declined to take further action in the matter.

In a letter to the Commission dated September 1, Mr. Carter stated that if the letter of the collector to Mr. Wilson, as given above, was not sufficient evidence of political motives behind the removal, he could supplement it with direct and positive testimony. On the same date a communication was sent by Mr. Carter to the President, embodying a copy of the letter of the collector quoted above, and the results of his correspondence with the Commission, and containing charges involving violation of the spirit and letter of the civil-service rules in the removal of Mr. Wilson and the appointment of his successor. A copy of this communication was inclosed with Mr. Carter's letter to the Commission of September 1, above referred to, and these were referred to the Treasury Department by the Commission on October 17, with the request that it be advised as to whether the Department would consider further evidence of political motives behind the removal in question if submitted by Mr. Carter. This the Department declined to do in a letter to the Commission dated October 22, 1898.

On October 27 the Commission forwarded to Mr. Carter a copy of the Department's letter, and referring to his statement in his letter of September 1, invited him to transmit such direct and positive evidence as he could secure, showing that Mr. Wilson's removal was due to political considerations. To this Mr. Carter replied on November 23, stating his inability to procure in legal form the evidence called for and claiming the letter of the collector to be sufficient.

On December 7 Mr. Carter was advised that the Commission did not deem such evidence sufficient, and that until sufficient evidence was secured it could take no further action.

#### **Tampa, Fla., Custom-House. File 784 S.**

In a letter dated January 26, 1898, Charles W. Carlton complained to the Commission that his resignation from the position of deputy collector and inspector of customs had been requested on the day preceding. He stated that he was appointed November 1, 1895, through civil-service examination, and that on the 10th of January, 1898, he was ordered from Tampa, Fla., to St. Petersburg, 20 miles west, where he received the request for his resignation, a copy of which he inclosed. He requested information as to whether he came under the protection of the civil-service rules.

The Commission in its reply to Mr. Carlton, under the impression that the position to which he was transferred was excepted under civil-service Rule VI, which excepts one principal deputy collector of customs at each customs port or subport from the general provisions relating to appointment or removal, called his attention to said rule and informed him that according to the records Mr. A. Ross was occupying that position at St. Petersburg.

On February 15 Mr. Carlton, by letter, requested the Hon. S. M. Sparkman to interview the Commission and secure his reinstatement, which request was referred to the Commission for the facts in the case. On March 4 Mr. Carlton again wrote to the Commission, and this letter was referred to the Secretary of the Treasury. On the 16th of March the Treasury Department informed the Commission that the nomination of a successor to Mr. Carlton had been disapproved "for the reason that the position is in the classified service." It appears that Mr. Carlton's name was restored to the rolls on April 23, 1898.

In compliance with a formal request of the Treasury Department the Commission, on February 1, 1898, gave noncompetitive examinations to Ulysses G. Barnard and Charles J. Thew, to test their fitness for appointment to excepted positions in the

customs district in Tampa, Fla., to which they had been appointed subject to examination. Neither of them obtained an eligible average, and the Commission, on February 12, informed the Department of their failure, and requested their separation from the service. Both men are, however, still in the service, Barnard by a reappointment on March 19, 1898, and Thew by continuation under the original appointment.

### 3. ASSISTANT CUSTODIAN AND JANITOR SERVICE.

#### **Marquette, Mich., Federal Building. File 743 S.**

On November 22, 1898, the Treasury Department requested the issuance of a certificate for the reinstatement of William A. Jellison, formerly deputy collector and inspector of customs at Marquette, Mich., for the purpose of transfer to the position of fireman-watchman in the assistant custodian and janitor service. This request was amended by a letter dated December 3, certificates both for reinstatement and for transfer being sought. Under date of January 6, 1899, the Department informed the Commission that Mr. Jellison had been reinstated upon certificate issued by the Marquette customs board by direction of the Commission, and again requested the issuance of a certificate for transfer.

Mr. Jellison was honorably discharged from the military service during the civil war, and his reinstatement to the position of deputy collector and inspector of customs was therefore permissible under the second proviso of Rule IX of the civil-service rules. Concerning the proposed transfer from the above-named position to that of fireman-watchman in the assistant custodian and janitor service, the Commission, on January 11, 1899, informed the Department (quoting the substance of paragraph 2 of Civil-Service Rule VI) that "it is without authority to issue a certificate for the transfer proposed, inasmuch as, in its opinion, the same class of work is not required in the position to which his transfer is proposed as in that to which his reinstatement is desired," adding that Mr. Jellison failed to obtain an eligible average in the examination for fireman-watchman which he took on February 5, 1898. For this reason the transfer was disallowed.

#### **St. Augustine, Fla., Federal Building. File 424 S.**

Edwin P. Mickler was discharged from the position of janitor in the custom-house at St. Augustine, Fla., on September 1, 1898, on the entering upon office of Thomas B. George, custodian and collector. The collector informed Mickler, in writing, "that such changes are customary, incident to change in the Administration, and are not personal to yourself in any manner."

The custodian's letter to the Treasury Department, reporting this removal, was returned to him by the Department on September 19, and his attention invited to its Circular No. 122, relative to the removal of persons in the classified service. He was also informed that "removals because of political or religious opinions are in violation of the civil service rules, and officials responsible for such removals shall be dismissed from the service." On September 14 the custodian made reply to the Department's letter, acknowledging that he had exceeded his authority in making this removal and appointment, and stating that he had notified Pappy [appointed to succeed Mickler] that his services were discontinued, and that he would "do without a janitor" until he could act by authority.

Subsequently the custodian recommended that the position of janitor be abolished and that of laborer established instead. This action was approved by the Department, it having, as it later informed the Commission, "satisfied itself that the duties of janitor were those of a mere laborer, and that the position had been improperly classified." In reporting this action to the Commission, the Secretary of *the Treasury* stated that the Department was "guided in the matter by the decision

of the Commission in a letter addressed to the secretary of customs board, Oswego, N. Y., dated December 14, 1896, an excerpt from which reads as follows:

“ ‘The Commission can not determine the status of the position of janitor, assistant janitor, or fireman in your district without a knowledge of the exact duties which they are required to perform. If the incumbents perform the duties of mere laborers or workmen, and are not allowed at any time to perform the duties of classified employees, they will be treated as unclassified.’ ”

Replying to the Secretary of the Treasury, on November 9, 1898, the Commission stated that the only remedy for the violation of the civil service rules in the removal of Mr. Mickler would be his reinstatement. By way of reply, the Department merely referred to its letter of November 7, stating that this gave “a full history of the case.”

With a view to ascertaining the nature of the duties pertaining to the position of janitor, one of the Commission's examiners, while conducting an examination in Florida, was directed to make inquiry. His report stated that Pappy performed duties nearly if not quite identical with those performed by Mickler; that these duties include the carrying of telegrams and delivery of official papers to business houses; looking after the mail and stamping a portion of it, and the keeping of an inventory of the public property, in the performance of which duties a desk is required. The laborer duties of sweeping, washing windows, etc., are in the main performed by a boy, who is compensated by Pappy. In summing up, the examiner stated that if Pappy's duties were only those of a mere laborer, he would be idle during the greater part of each day.

In view of the findings of its examiner, the Commission, on May 24, 1899, wrote to the Secretary of the Treasury in part as follows, after rehearsing the facts:

From these facts it appears—

1. That the position of janitor referred to was reported to this Commission by the Secretary of the Treasury as properly subject to classification under the civil-service rules by reason of the duties incident to such position.

2. Mr. Mickler, the occupant of this classified position, was removed for the sole reason, as stated in writing by the collector, “that such changes are incident to the change of administration.”

3. That the position of janitor was abolished and the unclassified position of laborer at the same compensation created in its stead, without change in the duties to be performed.

4. A change in the duties would alone be a proper reason for this action of the Department.

5. So far as appears from the facts before the Commission, no public need was subserved by the change, as Mr. Mickler's services were entirely satisfactory.

In view of these facts, it would appear that the change of title was merely for the purpose of getting the position out of the number of positions covered by competitive examination and to effect the removal of Mr. Mickler, thus indirectly defeating the President's rule, requiring reasons to be given for removal.

No response was received to this communication and Mr. Mickler was not reinstated.

#### **Toledo, Ohio, Federal Building. File 408 S.**

On August 12, 1898, the Commission received a complaint from Leslie E. Drake, of Toledo, Ohio, that he had been removed from the position of engineer in the Federal building at Toledo, alleging that the custodian (Collector of Internal Revenue Waldorf) had said to him that he wished to have his resignation in order to put a friend in his place. From the correspondence it appears that the custodian on August 9, 1898, informed Mr. Drake in writing that he was relieved from duty because of inefficiency. Drake subsequently stated that his removal was for political reasons.

The complaint having been referred to the Secretary of the Treasury for remark and return, the Department in reply transmitted a copy of a letter from the custodian, who denied that the removal was for political reasons but was for incompetency. The custodian added that “Mr. Beinke, who is fulfilling the duties of

the place temporarily, is conducting his work with diligence and ability," and at the same time asked cooperation "in making his appointment permanent." Beinke took a civil-service examination and was appointed in January, 1899, thus closing the case.

#### 4. LIGHT-HOUSE SERVICE.

##### EFFECT OF THE APPLICATION OF THE CIVIL-SERVICE RULES TO THE LIGHT-HOUSE SERVICE.

[From the Annual Report of the Light-House Board, 1898.]

By the President's order of May 6, 1896, the Light-House Establishment was included with those departments of the public service in which appointments and promotions of employees are governed by rules and regulations prepared or approved by the Civil Service Commission. This required many changes from methods that had been in use for a long term of years, and the complete inauguration of the new system was greatly delayed by various causes. The principal difficulties arose from the peculiar nature of the Light-House Service.

The light keepers and other employees are widely scattered, many of them being stationed on light vessels and at inaccessible localities along the coast, and rules and methods which had been found satisfactory in other departments were totally inapplicable to this service. The difficulties that were developed in putting the new system into effect were, however, overcome in a large measure by appropriate modifications of the rules, and the Board and the Civil Service Commission worked in harmony throughout. Upon recommendation of the Board, the Secretary of the Treasury, by letter of February 19, 1898, suggested that a central board be organized for the consideration of all matters of civil service of the Light-House Establishment, this board to consist of the chairman, two secretaries, and the chief clerk of the Light-House Board. It was also recommended that a local civil-service board be created in each light-house district, each of these boards to consist of the inspector, the engineer, and the chief clerks of the inspector and engineer.

These recommendations received the approval of the Civil Service Commission, and appointments were issued accordingly.

The central board formulated detailed instructions for the local boards, and these were issued on May 7, 1898.

The system may be said to have been in practical working order since that date, though it has become apparent that several modifications will be necessary. Most of these relate to matters of detail, which will be readily adjusted in course of time.

#### 5. LIFE-SAVING SERVICE.

##### EFFECT OF THE APPLICATION OF THE CIVIL-SERVICE RULES TO THE LIFE-SAVING SERVICE.

[From the Annual Report of the General Superintendent for 1898.]

The Life-Saving Establishment has been operating during the year under the civil-service rules, having been included in the classified service, together with several other branches of the Executive Departments previously exempt, by the order of the President of May 6, 1896.

Up to this time the application of the civil-service rules for the ascertainment of the qualifications of candidates for appointment and promotion \* \* \* has proved quite satisfactory, while it has brought great benefit and relief to the Service in other respects. Some little friction and delay occurred, as was to be expected, until the methods were fully comprehended and the officers became familiar with the details of the plan. At first, upon the sudden occurrence of a vacancy in his crew, some keeper would deplore the length of time required to fill it under the rules or complain that an unsuitable man had fallen to his lot, but when it came to be understood that a keeper had full power to temporarily supply a vacancy pending a reg-



ular appointment, and could peremptorily dismiss at any time within six months (the period of probation fixed by the rules) any person whose capacity or conduct was unsatisfactory, these complaints ceased.

The most serious trouble that was encountered arose at the very outset, and was induced by misrepresentations persistently made as to the effect of the application of the rules upon the men already belonging to the Service, and concerning the nature and scope of the examination. In one instance a person in the guise of an evangelist, styling himself "Volunteer Chaplain for Life-Saving Stations," who traveled from station to station in one of the largest districts upon the seacoast for the professed purpose of preaching the gospel and administering to the spiritual wants of the crews, and who largely lived upon their bounty, declared over his signature in a newspaper to which he was a contributor, that all the men then in the Service were to be put to the test of a competitive examination in arithmetic, geography, grammar, algebra, etc., and all who could not successfully pass were to be dismissed; and that the examination for admission to the Service embraced the same tests of educational attainments. Notwithstanding the absurdity of the statement, many newspapers repeated the tale, some adding comments indicating that they believed it, and severely criticising and condemning both the Life-Saving Service and the Civil Service Commission for insisting upon such preposterous requirements.

The uproar created upon the coast can easily be imagined. Considerable effort was necessary to quiet the excitement among the surfmen and to allay their apprehensions and alarm.

At a later period a report was circulated through the press that the Life-Saving Service in the districts along the borders of the Great Lakes was in a deplorable condition on account of the civil-service rules and regulations. The following extract is a sample of the statements published:

Some time ago the employees of this service were put under the civil service, and it is claimed that it is impossible to get the proper kind of employees through any examination the Commission may require. The men who are able to pass the mental examination, it is said, are not capable of sustaining the endurance and physical labors required of those who go to sea in times of storm to save human life. The men who for years have done this work, and are hardy and accustomed to the dangers of wind and water, and have been seasoned by constant contact with the elements, are unable to pass the examination required.

It has been brought to the attention of Congressmen that the whole service has become disorganized and is unfit for the duties required of it. It is claimed that when it becomes necessary to go out to save vessels or remove sailors from ships in distress, the lighthouse tenders are required to tie up, and the crews from those tenders are substituted for the crews of the life-saving service secured through the examination of the Civil Service Commission.

It was added that pressure was being brought to bear upon members of Congress to have these positions exempted from the classified service.

Although it was known at the Department that there was little, if any, truth in these representations, they were brought to the attention of each of the superintendents of the three districts concerned, with a request for a frank statement from each of the result of his observation and experience as to the effect of the application of the civil-service rules upon the efficiency and welfare of the service, and for a circumstantial history of any occurrence that could afford a basis for the published assertions.

The superintendent of the Ninth district (Lakes Ontario and Erie) replied:

As yet I have no reason or cause to feel that the application of the new rules has been in any way detrimental to the efficiency of the service, the class of men so far selected under the new rules being fully up to the standard of those previously selected. The statements contained in the second paragraph of the clipping is, so far as relates to this district, utterly false and without foundation of any kind. There is no disorganization here; on the contrary, I claim that the discipline, efficiency, and personnel of the station crews are far superior to what they were a few years since, and I have yet to hear the first word of criticism against them from the local public. You ask me to submit a frank statement of what has been my experience in connection with the application of the civil-service rules to the service,

and whether or not any of the statements made in the clipping are borne out by facts. My reply is that there are no facts within my knowledge upon which any of the statements contained in the article referred to can be based, and my experience with the new rules is, as a whole, satisfactory.

There are not as many applications for examination to the position of surfman as I would like to see for this district, but this has not as yet affected the efficiency of the service, nor do I think it will in the future, for the reason that the applications will very likely increase in number as the matter becomes more fully understood by the sailors and fishermen of the Great Lakes. \* \* \* That article is an insult to the life-savers of the Great Lakes; when they fail, there will be no use of calling upon the crew of any light-house tender. You can rest assured that nothing has occurred in this district giving any foundation for such a false statement. The efficiency of this district will stand the search light of the most rigid examination possible. There is no disorganization here; that fact can be stated in the most emphatic language.

Up to the present time the experiment promises to be a successful one. Probably experience will develop the necessity or desirability of some modification in the regulations and some simplification of the process of applying them that will lessen the additional burden of labor they impose upon the already overtaxed officers of the service. Although perhaps it can not yet be said that the experimental stage is passed, the observations of this office with respect to the service at large confirm those of the superintendents quoted above with respect to their own districts, and no reason is now seen to apprehend that the new method of selection will introduce a class of men in any way inferior to those who have hitherto so creditably manned the stations. Any possible change would appear necessarily to be in the direction of the complete obliteration of the exercise of any political or personal influences that may have obtained heretofore in spite of the vigilant efforts which have always been made to prevent it.

The records of the Department show that the first admission to the service under the civil-service rules was on April 1, 1897. From that date to December 1, 1898, a period of twenty months, 389 surfmen were appointed, 17 of whom proved unsatisfactory and were discharged. During the twenty preceding months, from August 1, 1895, to April 1, 1897, there were appointed under the old method—that is, each keeper selecting his own men—459, of whom 46 proved unsatisfactory and were discharged. It will be seen, therefore, that under the new system only 1 out of every 23 proved unsatisfactory, while under the old system 1 out of every 10 so proved, the percentage of unsatisfactory men under the old being more than double that under the new.

These figures certainly afford a hopeful augury for the future, especially when it is considered that the reluctance of a keeper to complain of a man of entirely his own choosing is naturally greater than to complain of one whom to a certain extent he was compelled to take. Yet, probably, it is hardly fair to say that under the former practice the crew of a keeper was always *entirely* of his own choosing. In some instances, doubtless, they were to a considerable degree the choice of others, through personal influences which he could not withstand. If left wholly to himself, however, his own safety and the safety of those he might undertake to rescue would naturally dictate his selection of the best he could find. The new method is therefore probably cordially welcome to him.

The object of the civil-service laws and rules governing the appointment and promotion of officers and employees in the civil service is declared and understood to be to eliminate political and personal influences in their selection, and to secure for the service of the Government the best qualified agents obtainable. The same object has been held steadily in view by the chief officers of the Life-Saving Service since the introduction of the present life-saving system in 1871. With this view they succeeded, after years of effort, in procuring the enactment of section 10 of the act of May 4, 1882, which provides:

That the appointment of district superintendents, inspectors, and keepers and crews of life-saving stations shall be made solely with reference to their fitness, and without reference to their political or party affiliations.

This is believed to be the first enactment ever made distinctly proposing the exclusion of political considerations in appointments for the civil service. It had, however, long previous been the settled policy of the Life-Saving Service, and no available effort had been neglected to establish and enforce it. It was felt that the business of saving human life—as momentous a charge as was ever committed to human hands—was of too sacred a character to be complicated with other interests, and especially with the intrigues and duplicity of politics. It was regarded as imperative that every official and employee connected with the service should be qualified for his work—a principle in public economy which, in connection with the gravest public duties, is too often ignored, and sometimes openly laughed at—and not this alone, but that for those positions in which the degree of qualification might be vitally important, as the degree of skill in maneuvering a lifeboat might determine the fate of a hundred shipwrecked people, the *best qualified* should be secured, if possible.

District superintendents were accordingly instructed in making their nominations for keepers, and the keepers in employing surfmen for their crews, to pay the strictest regard to professional qualifications to the exclusion of every other consideration. There was little difficulty in making them understand that the determination to enforce this policy, without exception, was absolute. In most instances they contributed their cheerful support. If anyone failed to do so, he did not long remain an obstruction. But it was not found so easy a matter to deal with the partisan rapacity and activity of persons outside of the service. Superintendents and keepers, as well as the chief officers of the service, were vigorously beset with all sorts of influences and in every conceivable manner, in the effort to reduce the places at their disposal to the level of partisan spoils. Praise, flattery, promises, abuse, falsehood, ridicule, cunning, deception, diplomacy, and the whole catalogue of shrewd devices for controlling the action of men were resorted to, and it is not singular that they were sometimes successful. The wonder is that success was so rare. It was sufficiently frequent, however, to prove what the inevitable result to the service would be, and to foreshadow the utter ruin in which its splendid utility would end, if party considerations were allowed to prevail. It is unnecessary to exhibit here the fruits of the brief triumph which partisanship gained in one or two newly organized districts. They are amply shown in the annual reports for the years 1877 and 1879. The evils were soon corrected and their repetition was guarded against by redoubled vigilance. Meanwhile the passage of the law above quoted was strenuously urged, but it was not until 1882 that its enactment was secured.

This statute brought much relief, but it did not end the struggle. While it measurably checked those who had sought to subordinate the service to political uses and to make it subservient to their own selfish purposes, yet frequent endeavors were made, sometimes springing from more reputable sources than could be expected, to induce the officers of the service to circumvent the law or to treat it as a dead letter. Efforts to distort its meaning, specious arguments to show how appointments and employment could be confined to the ranks of the dominant party without its violation, and various devices were tried to render it abortive. It is gratifying to say that these attempts were always ineffectual, but it took time and effort to combat them and make them so.

\* \* \* \* \*

This unsettled and pernicious state of affairs in the service continued up to the time it was included in the classified service. An almost incessant warfare continuing through more than a quarter of a century had been waged over politics, involving the expenditure of large sums of money in investigating alleged infractions of the regulations, and later of the law, taking up the best time and thought of the officers in charge in resisting the efforts of those who would divert the service from the uses for which it was created, consuming the time and labor of the clerical force in overhauling the files, looking up the record of events, and preparing matter for use in defense of the service and its officers against baseless charges, and keeping the service at large in more or less constant turmoil and apprehension.

The relief which the legislation of 1882 failed to bring promises to be realized with the new order of things, and the difficulties and vexations which the law only alleviated seemed likely to disappear. Nobody now charges that the appointments in the service are made to subserve political or personal ends, nor, since the promulgation of the President's order of July 27, 1897, prohibiting removals except for just cause—a logical corollary of the civil-service law—that, when removals are made, they are dictated by party spirit or to promote individual interests. Contentment and quiet have superseded the anxiety and excitement which formerly periodically swept along the coast, the officers are permitted to devote their time and talents exclusively to the promotion of the welfare of the service, and the service itself seems to have gathered added strength for a career of usefulness which may excel the notable record of the past.

To those who have been in a position to observe its growth and progress and to study the causes of its prosperity, it has long been apparent that its unbroken history of heroism and noble achievements is chiefly due to the fact that fitness and merit have always governed in the selection of its agents. Whatever may be said of the wisdom or propriety of political accord between the employees of other branches of the public service and the political party in power for the time being, such a necessity surely can not be pertinent to one the sole function of which is to save life and property from shipwreck, a function which can be best executed only by the best experts in a special vocation and can have no possible relation to the policies of governmental administration. On the contrary, the introduction of any other object than the proper exercise of that function can only tend to weaken the efficiency of its performance at least in proportion to the extent to which such object absorbs attention. If it be the acquisition of political advantage, then, amidst the fierceness and demoralization of partisan conflict, the injury would be increased tenfold, and any agency that will operate as a barrier to an element so baneful and will assist in keeping the establishment single to the single purpose of its creation should be heartily welcomed.

## II. THE POST-OFFICE DEPARTMENT.

### APPOINTMENTS TO POST-OFFICES OF NONRESIDENTS BEFORE CLASSIFICATION FOLLOWED BY TRANSFER TO CLASSIFIED POSITIONS AFTER CLASSIFICATION.

Early in 1898 appointments began to be made in post-offices on the eve of their classification, as the result of the establishment of free delivery therein, and the persons so appointed, almost immediately after the classification of such post-offices, transferred to other positions (usually of higher grade) in other portions of the Government service, sometimes in other Departments. Such persons were frequently not residents of the States in which the post-office to which appointment was made was situated. Since this practice subverted the intent of the civil-service act, the Commission brought the matter to the attention of the Post-Office Department and requested its cooperation in abolishing such practice.

In a letter dated February 19, 1898, the First Assistant Postmaster-General stated:

\* \* \* I have to say that, in compliance with your suggestion, it is the purpose of the Department in the future to confine appointments of persons at post-offices where the establishment of free delivery is contemplated to a period of not less than six weeks prior to the establishment, and the appointments to residents of the city in which the establishment of free delivery is to be made. Unless the emergency is great and necessity extreme, it is our determination to make no appointment at these offices earlier than sixty or ninety days, and, unless the nonresident has expert knowledge of the postal service and his especial abilities are required in the establishment, to refuse all applications for the appointment of others than residents of the city where the establishment is to be effected.

Instances of the abuse continuing to come under the notice of the Commission, the matter was on November 7, 1898, and again on April 4, 1899, brought to the attention of the Postmaster-General in letters, in which the Commission said:

The Commission is in receipt of the Department's request, dated March 29, for the transfer of John Mahin, a clerk in the Webster City, Iowa, post-office, to the position of post-office inspector. Mr. Mahin was appointed to the post-office named on January 30, 1899, and the office was classified, as the result of the establishment of the free-delivery system therein, on February 1, 1899.

Transfers of this character are fast becoming common, and since in this practice inheres the power to cripple and even nullify the intent and purpose of the civil-service act—making appointment and promotion in the public service dependent solely upon fitness as ascertained through competitive examinations supplemented by a probationary period of service—it is deemed proper to again bring this matter to your attention.

The instances in which transfers of this character have been made appear on the inclosed sheet, headed "Transfers of persons from newly classified post offices." The Commission knows of no instance antedating that of R. M. Fulton, the first name appearing on the list, the certificate for whose transfer from the Cripple Creek, Colo., post-office to the position of post-office inspector is dated January 26, 1898.

As stated in the Commission's first letter upon this subject, dated February 9, each of these cases involves an evasion of the spirit of the civil-service law and rules. In each case the person has been transferred to a position which he could not, under the rules, have entered except as the result of examination. Where employees are classified as the result of the extension of the operation of the civil-service act and rules it is assumed that they have demonstrated their fitness for the positions they occupy, and an examination would therefore be unnecessary. It is manifest, however, that this can not be said of an appointee whose incumbency of an office is of but a few days' or weeks' duration.

The positions now occupied by those of the persons mentioned in the accompanying list transferred to the position of post-office inspector should, it is believed, only be filled by the promotion of those already in the service who are familiar with the duties required or with similar duties. This has been the view of your Department, and it has acted upon this view. In the report of the Postmaster-General for 1890 Mr. Wanamaker said: "The practice of the Department shows that the inspector force, for example, is more efficient as a whole if eligibles who have seen public service are selected instead of those who have simply been examined." Since the Department made a practice of making no appointments from the post-office inspector register of the Commission, the entrance examination for this position was discontinued, and it is now given only to those persons whom the Department designates.

In a letter dated October 29, 1897, concerning the register of carrier eligibles for Newport News and Manchester, Va., Postmaster-General Gary stated: "The policy of this Department in making appointments to positions in local post-offices is to appoint citizens of the town in which the post-office is located. I therefore request that in certifying eligibles for appointment as carriers at Newport News and Manchester and other cities where the carrier service exists only those who are bona fide residents of the cities to which the registers apply shall be certified. The Commission will undoubtedly admit that the interests of the service will be better subserved if only those who are residents of the cities or towns are appointed on the carrier force of their respective localities."

In subsequent correspondence (see Department's letter of November 24, 1897, F-14720-W) it was stated that "it will be the uniform practice of this office to appoint only residents at new offices at which the civil-service examination had not been held or arranged for prior to November 5," etc. A number, however, of the



persons mentioned in the attached list were appointed to positions in post-offices far distant from the State of their legal residence, and in the post-office at Newport News, Va., one of the offices which were the subject of the Department's letter of October 29, 1897, requesting that "only those who are bona fide residents of the cities to which the registers apply shall be certified," a legal resident of Tennessee was appointed.

This evil is not limited to the bounds of one Department, for, as seen in the cases of Messrs. Wasson, Jones, Clark, and others, transfer to another Department may be made under the provisions of civil-service Rule X. There is no limit to the number of persons who may enter the service in this manner. With the establishment of free delivery, at each new post-office a dozen or fifty persons might be brought into the classified civil service, to be transferred later to any vacancies that may arise in other portions of the service, and thus the purpose of the passage of the civil-service act—the improvement of the civil service by making entrance to positions therein depend solely upon fitness as ascertained through competitive examination—might be effectually thwarted.

The system of transfer embodied in the civil-service rules, when employed for the purpose for which it was instituted, is a valuable aid to the service. That it should be used to accomplish the defeat of the merit system of appointment to office was never contemplated by those who framed the civil-service rules. Yet this is precisely what the perversion of Rule X may accomplish.

Section 2 of the civil-service act states that the rules to be prepared are for the purpose of carrying the act into effect, and the most casual reading of the act shows that its primary object was to provide for the filling of all positions coming within its purview as the result of open competitive examinations, practical in their character, except where such positions are already filled by persons familiar with the duties thereof, and for whom an examination would be a superfluity.

Passing by without further comment the widespread possibilities for injury to the public service which this practice makes possible, this custom at the present time operates to defeat the purpose of the civil-service act and injure the Government service by—

1. Filling positions with persons who have not passed an examination prepared with reference to the needs of such positions.

2. Transferring to responsible supervisory positions elsewhere under the Department persons without training for such positions to the exclusion of persons possessing such training. This contrary to the Department's declaration that experience in the public service is essential to the proper discharge of the duties of such positions.

3. Transferring persons to positions in other Departments for which they have not passed the required competitive examination, and to which, in many cases, those already in such Departments should be promoted.

4. Discrediting the Department and this Commission in the eyes of the public by the appointment just prior to classification of post-offices of persons not even legal residents of the State in which the particular post-office is located, and at the same time objecting to the appointment of eligibles who are residents of the same county in which a post-office is located.

5. Defeating the reasonable rights of promotion of those in the classified service by first appointing an excessive number of persons in an office (without examination) and later filling vacancies in such service by the transfer of these persons.

The agreement contained in the Department's letter of February 19 would effectually cure the evil to which attention is here invited. Such agreement was as follows:

It is the purpose of the Department in future to confine appointments of persons at post-offices where the establishment of free delivery is contemplated to a period of not less than six weeks prior to the establishment, and the appointment to residents of the city in which the establishment of free delivery is to be made. Unless the emergency is great and the necessity extreme, it is our determination to make

no appointment at these offices earlier than sixty or ninety days, and unless the non-resident has expert knowledge of the postal service and his especial abilities are required in the establishment, to refuse all applications for the appointment of others than residents of the city where the establishment is to be effected.

The Commission earnestly hopes that this arrangement may be at once reestablished.

### PROMOTION OF CLERKS TO INSPECTORS WITHOUT EXAMINATION.

The clerks to the post-office inspectors at New York, Chicago, and San Francisco, having been promoted to post-office inspectorships without passing the required examination, the Commission, on December 14, 1898, wrote the Department as follows concerning these cases:

The records of the Commission do not show that any of these persons have passed the examination for the position of post-office inspector, for which a higher examination than that for clerks is required by the first proviso of paragraph 4 of Rule XI, which is as follows:

"That no promotion of a person shall be made, except upon examination provided by the Commission, from one class to another class or from one grade to another grade if for original entrance to said class or grade to which promotion is proposed there is required by these rules an examination involving essential tests different from or higher than those involved in the examination required for original entrance to the class or grade from which promotion is proposed."

The examination for the position of post-office inspector involves tests that are both different from and higher than those involved in the examination for the position of clerk. In the rule relating to the examination required for transfers nearly the same language is used. It has been the practice of the Post-Office Department to request that noncompetitive examination be given for transfer of clerks in the Departments, in the Railway Mail Service, and in the Post-Office Service for transfer to the position of post-office inspector. It would have been consistent with this for the Department to have made request for noncompetitive examination for promotion of these persons. It is clearly apparent that the rules require that these persons be examined, and the Commission would be pleased to make arrangements for examination of these persons at places convenient for them upon receipt of instructions and the proper request.

No reply has been received to this letter, nor to a letter dated September 27, 1898, asking the authority for the appointment, without examination, of an assistant superintendent of free delivery at \$2,000, and a chief clerk at \$2,000, both in the office of the First Assistant Postmaster-General, the positions having previously been officially reported by the Department as included in the examination-required class.

### POST-OFFICES.

Under the civil-service act there were originally included in the classified service only 23 post-offices—those having over 50 employees. This number had grown to 53 when on January 5, 1893, the operation of the civil-service rules was extended to all post-offices in which the free-delivery system was in force, resulting in the inclusion of 553 additional offices. Since that time offices have been classified as the result of the establishment of the free-delivery system therein until at present (March 20, 1899) there are 730 post-offices under the operation of the civil-service law and rules. The original classification of post-offices included 5,699 employees. Now there are over 30,000 persons in the classified post-office service. During the fiscal year ended June 30, 1898, 4,068 appointments were made in this service and 2,940 separations, against 2,250 appointments and 1,756 separations during the previous fiscal year.

During the last fiscal year 129 veterans of the civil war were reinstated in the post-office service, while for the preceding fiscal year there were 17 such veterans reinstated.

**Atlantic, Iowa, Post-Office. File 2742 S.**

In February, 1898, the Commission received complaints from prominent citizens of Atlantic, Iowa, to the effect that A. L. Moreland had been removed from the position of carrier in the Atlantic post-office for political reasons.

Carrier Moreland received a letter from the Post-Office Department on August 3, 1897, to the effect that Postmaster Conerd had recommended his removal from the service for violation of rule 2, section 607, amended postal laws, and rule 4, section 614. The first charge was that on July 10, 1897, he stopped with a bag full of mail and talked seven minutes; that he was known frequently to loiter on his route in violation of section 607, paragraph 2, amended postal laws. The second charge was that he was actively engaged in prosecuting political campaigns as ward committeeman in the First Ward of Atlantic, in violation of section 435, Postal Laws of 1893, which reads:

Officeholders must not use their official positions to control political movements. They should not offend by obtrusive partisanship, nor should they assume the active conduct of political campaigns.

Mr. Moreland was given ten days in which to make his defense, which he did. The Post-Office Department then sent Post-Office Inspector Christian to make an investigation. Upon Mr. Christian's report Mr. Moreland was reinstated. However, on January 28, 1898, Moreland was removed from the service. It was shortly after this that certain citizens of Atlantic wrote the Commission asking for an investigation, it being charged that the carrier's removal was due to political considerations, and that he had not been given an opportunity to make defense as required by section 8 of Rule II of the civil-service rules. An examiner of the Commission was thereupon directed to proceed to Atlantic to examine into the sufficiency of the charges which led to Moreland's removal. The examiner took the statements of many persons, but it is impracticable to publish them in full in this brief. Only extracts are therefore given.

In the matter of the charge of loitering, the following is a copy of the evidence given by the postmaster on this point:

Q. What about the charge against Moreland that he loitered while on duty?—A. He did loiter on the route. He was in the habit of doing it.

Q. You say he was in the habit of doing it. Please name some specific instances.—A. I can only speak about one time that I saw him myself—the date I can not recall. I think it was in July, 1897.

Q. What were the circumstances under which Moreland loitered at that time?—A. I simply saw him standing with the mail sack when making the first morning delivery, possibly between 8 and 9 o'clock in the morning, on Chestnut street. I called a man's attention to his stopping with a sack full of mail.

Q. To whom was Moreland talking?—A. To Mr. Meredith.

Q. Was anyone with Mr. Meredith?—A. I do not know.

Q. How long did Moreland stop?—A. He stopped from 5 to 8 minutes.

Q. How do you know it was from 5 to 8 minutes—did you time him?—A. I will not say that I timed him or not; I am not sure.

Q. Then you may have guessed at it?—A. I won't say just that; I believe I timed him.

Q. You have just stated that you were not sure whether you timed him or not, and now you say you believe you did. Do you know positively which?—A. I do not.

Q. You have stated that Moreland was talking with Mr. Meredith. Did Mr. Meredith stop Moreland, or did Moreland stop Mr. Meredith?—A. I do not know.

Q. Is it not possible that Mr. Meredith may have stopped Moreland? Do you know that he did not?—A. I will just say that I do not know whether he did or not.

Q. Is it not possible that Mr. Meredith may have stopped Moreland on official business, regarding his mail?—A. I can not say about that.

Q. Are not business men accustomed sometimes to stop their carriers on official matters?—A. I can not say.

The gentlemen (there were two) referred to by the postmaster testified that they stopped Moreland and talked with him not to exceed three minutes. They had heard that he was to be removed because he was a Democrat, and were circulating a *petition in his behalf*. They simply stopped him long enough to read the heading to *the petition*.

In reference to the charge of the postmaster to the effect that Moreland was actively engaged in political work, the postmaster gave testimony as follows:

Q. Have you charged that Moreland was engaged in political work?—A. I have.

Q. To what extent and in what manner did he do such work?—A. He was a committeeman in the ward in which he lived, and also was a delegate to the county convention.

Q. When was this?—A. In July, 1895.

Q. When were you appointed postmaster?—A. On June 12, 1897.

Q. It was, then, during the administration of your predecessor—about two years before you became postmaster?—A. It was.

Q. To what extent did he do political work in 1895?—A. I could not say now; I do not remember.

Q. Did Mr. Moreland serve either as a ward committeeman or as a delegate to the county convention?—A. I do not know.

Q. Is this the political work to which you refer in your charges against Mr. Moreland?—A. Yes.

Q. How do you know that Moreland was appointed a ward committeeman or a delegate?—A. I saw his name on the list among others who had been so appointed.

Q. Has Mr. Moreland done any kind of political work since you became postmaster?—A. Not to my knowledge; he has done nothing since I was appointed.

Q. Has he talked about politics to any people along his route since you became postmaster; or, in fact, at any time previous to that?—A. Not that I know of.

It will clearly be seen that the above does not support the charge that Moreland used his "official position to control political movement," and that he offended "by obtrusive partisanship" or by the "active conduct of political campaigns," the doing of which he was charged before the Post-Office Department by the postmaster, which finally resulted in his dismissal from the service.

Moreland testified that his name was in the local paper three years before, but that he was not present at the meeting when appointed, or at any other meeting before or after, and that he had never served in any capacity, and that he had never engaged in any political work in any manner whatsoever. This is substantiated by everyone interviewed—by Republicans and Democrats. The secretary of the Democratic county central committee stated, through his brother, that although Moreland was slated as committeeman and delegate, yet it was not with his consent; that he had not been present at the meeting when named, and had not served in any capacity. He had a large acquaintance in his ward, and it was thought that he could be interested in politics if he were named a committeeman or a delegate. Had Moreland taken any active part in politics the fact would have been known by everyone in Atlantic interested in politics. Atlantic has only about 5,000 population.

The postmaster's evidence, both in regard to the matter of loitering and that of "offensive partisanship," is so clearly insufficient to support his charges that the inference is warrantable that he was determined to have the carrier removed. This desire was so apparent to Post-Office Inspector Christian that he without hesitation reported in favor of the carrier, of whom also he speaks in complimentary terms. Mr. Christian told the Commission's examiner in Des Moines that Mr. Conerd had said to him that what he wanted to do was to get all the Democrats out of office. Mr. Christian replied that he had nothing to do with that, but that no man could be removed except upon charges.

The following is an extract from the testimony of a citizen whose place of business was on Carrier Moreland's route. This gentleman had been trying to persuade the postmaster not to remove the carrier on account of the exceptionally good service he had always rendered.

When I heard that he (Mr. Conerd) had gotten the appointment, and before he received his commission, I went to him again, and he told me he was too good a Republican to think of keeping any Democrats in. He said he was a firm believer that to the victor belonged the spoils. As soon as I heard that he had asked Al (Moreland) to resign, I went to him and said, "Jake, you don't want to do this." He said, "I tell you, Charlie, I am postmaster, and I have enough to stand (referring to family matters) without having my friends get in my way." So I told him that Al had promised me not to resign. That made him mad. I went to our place of business and was there when Jake came by. I commenced talking to him about the matter again and he flew into a flurry and said, "I tell you I am going to clean the

platter slick and clean." I said, "There is just one part of the platter which you won't clean." I told him Moreland would not go off. He said he would go off "or I won't be postmaster." I said, "You will have to have charges against him before you can get him off." He said the civil-service rules are so strict no one could live up to them, and that he would have no trouble finding charges against him.

To another prominent citizen (a gentleman who had strongly supported Mr. Conerd for the position of postmaster) the postmaster stated before he received his commission, "I am going to make it. When I get there I will make a clean sweep;" but, in reply to this gentleman's strong protest against the removal of Moreland, said, "If the patrons of the post-office are satisfied, I might keep him on." Mr. Conerd also told a prominent official that when he became postmaster he would dismiss the Democrats and put in Republicans. Moreland stated that while he had always been a Democrat, yet he voted the Republican ticket at the last Presidential election. The postmaster, when told about this, stated, "There is no power this side of heaven to convince me that he supported the Republican ticket."

The Commission's examiner learned that a complaint against Moreland, which had much to do with his dismissal from the service, was made by a lady in Atlantic, to the effect that Moreland had delayed for three days a letter or card addressed to her. The examiner called upon her for a statement of the facts. She at first positively declined to say a word about the matter, as she said she had been assured that she "would not get into any trouble about it;" that "if the postmaster consented she would tell about it." After some conversation on the subject, she said that she did not know where her letter or card had been delayed—whether in the mailing office, on the road, or in the Atlantic office; that she "had told them (the postmaster and one other person who accompanied him) that she did not know, and did not want to make any statement against Moreland, but they understood that Moreland had delayed her mail and that she would have to say so." She was intimidated into signing a statement prepared by the parties who wanted to get the carrier out of the service, and she was told that that would end the matter and that she would hear no more from it. This is an illustration of the kind of "evidence" used to get a faithful and efficient employee out of the service.

Carrier Moreland claimed that he was given no opportunity to make a defense to the charges brought against him, as required by the civil-service rules. His statement was borne out by the postmaster's admission that he did not know what, if any, opportunity Moreland had to make a defense to the charges.

When it became known that the postmaster intended to remove Moreland a petition was circulated in his behalf, which was signed by over five hundred people, Republicans and Democrats, and included the names of the mayor, the city officials, and business men on the carrier's route. On the other hand, the postmaster was unable to give the Commission's representative the name of a single person in Atlantic, with the exception of the lady whose testimony has been outlined, who had any fault to find with the carrier, either as to his character or in the way in which he performed his duty. The preponderance of evidence taken was from Republicans, many of them gentlemen who had supported Mr. Conerd for the position of postmaster.

The records of the Post-Office Department show that on August 3, 1897, the following letter was sent to the postmaster at Atlantic:

AUGUST 3, 1897.

SIR: You will restore A. L. Moreland to duty until he has submitted his defense and the case against him is decided, when you will be notified of the action taken.

Very respectfully,

E. C. FOWLER,  
Acting First Assistant Postmaster-General.

POSTMASTER, Atlantic, Iowa.

An affidavit from Moreland was presented to the effect that he reported for duty on July 29, 1897, after returning from a vacation of fifteen days, and was advised that charges had been preferred against him. He was laid off from July 29 to October



10, but for this time he signed vouchers as receiving pay, supposing it to be a requirement of the Post-Office Department. From about August 8 to October 10, when, by orders of the Post-Office Department to the postmaster, Moreland should have carried the mail on his route, it was carried by the man appointed as Moreland's successor, who therefore received compensation for performing service which Moreland was ready and willing to render, and which the Post-Office Department had, through the postmaster, directed he should be permitted to render.

On July 19, 1898, the Commission submitted the findings of the examiner to the Postmaster-General, and in view thereof recommended that Carrier Moreland be reinstated to the position he formerly occupied, and that Postmaster Conerd be removed from office for willful violation of the civil-service rules.

On July 7, 1899, the Commission was informed by the Postmaster-General that he had directed the reinstatement of Moreland to the position of carrier, effective July 1, 1899. No action appears to have been taken upon the recommendation for the removal of Postmaster Conerd.

### **Brooklyn, N. Y., Post-Office. File 83 S.**

In May, 1898, the secretary of the board of civil-service examiners for the Brooklyn, N. Y., post-office submitted to the Commission certain papers which indicated that Richard P. McGann had been impersonated in an examination for the post-office service held before the board of examiners in February, 1897, and an investigation was immediately ordered. Mr. McGann, it appears, was selected for appointment in the latter part of May, 1898, and when the sheet known as "Declaration of appointee" (required to be filled out before entrance upon duty) was compared with his application and examination papers, the two styles of penmanship and the answers to certain questions on the above-mentioned sheet led the appointing officer and the secretary of the board to believe that the person reporting for appointment had been impersonated in the examination.

Mr. McGann was therefore not assigned to duty, pending an investigation of the case. He later appeared before the officials of the post-office and two representatives of the Commission and maintained that he was the identical person who took the examination and that the suspicions concerning him were unwarranted. He refused to swear to or even sign any statement, and later absolutely refused to be reexamined. He avoided answering many questions by professing ignorance. About the only thing that he was sure of was that he took the examination on the fourth floor of the post-office building in February, 1897. He made several damaging statements, among which were (1) that he commenced the examination at 12 o'clock; all examinations are begun promptly at 9 o'clock. (2) That the first sheet given him in the examination was arithmetic; the arithmetical sheet was not the first sheet. (3) That he could remember no subjects of the examination other than spelling, writing, and arithmetic. (4) That he wrote his name and address on each sheet that was given him and placed his name and address on the envelope; competitors are never allowed to write their names and addresses upon the examination sheet or upon the declaration envelope. (5) That the secretary of the local board was not the person who supervised the examination [the examination was supervised by the secretary]; and that the word "mistake" was the only word of the orthography exercise that he could remember. The word "mistake" did not occur in the orthography exercise. Mr. McGann refused to spell any words that appeared in the orthography exercise. He was not acquainted with any of the persons who took the same examination and could not identify any of the examiners that were present on that occasion. He explained the two styles of penmanship as shown in the examination papers and the "Declaration of Appointee" sheet by stating that he was a bartender and that occasionally, after handling ice all day, he was unable to write his accustomed hand the next morning. On several occasions he attempted to avoid further questioning by stating that he would have nothing further to say; that he did not want the appointment and would not have it under any consid-

eration, seeming to think that his refusal of the appointment would end the matter. The post-office officials and the representative of the Commission were convinced from Mr. McGann's answers and from general observation that he did not take the examination and could not pass such an examination; they were unable to obtain a confession from him, and, as he refused to be reexamined and as the persons conducting the investigation had no authority to further detain him, he was allowed to leave the building.

On the following day the papers were submitted to the United States district attorney, who, after examining the papers, remarked that it seemed to be a clear case of impersonation and apparently a case for prosecution. The papers were left with him, at his request, in order that he might examine the law governing such cases. On July 21 he advised the Commission that McGann could not be prosecuted separately from the man who impersonated him during the examination; that he could only be prosecuted for conspiracy, and in order to charge him with conspiracy it would be necessary to obtain the name of the man who took the examination in his (McGann's) name, and that it was his judgment that under the present condition of the case a prosecution could not be commenced.

#### **Columbus, Ga., Post-Office. File 127 S.**

On December 24, 1897, Ira S. Clary, the chairman of the local board of civil-service examiners at Columbus, Ga., wrote a letter to the Commission, in which he charged that the former chairman of the board had "circulated a rumor that he would pass anyone, as the civil service was a sham and amounted to nothing;" that such rumor was readily believed among the ignorant class of people, and had caused the writer to be besieged by all classes. On January 22, 1898, the Commission wrote Mr. Clary that if sufficient evidence could be obtained to warrant the action it would lay the matter before the Post-Office Department with a suitable recommendation regarding the former chairman of the board. Mr. Clary was requested to submit, if possible, any written evidence in the matter. On January 24, 1898, he replied that he would make a report "in a few days," but nothing on the subject has reached the Commission. On February 15, 1898, the postmaster, in a letter to the Commission, suggested the designation of a Mr. Williams to fill the vacancy on the board caused by the removal of Mr. Clary. On February 26, 1898, a representative of the Commission visited Columbus, Ga., for the purpose of investigating the charges of Mr. Clary and for the purpose of ascertaining the manner in which the civil-service rules had been observed under the incumbency of Postmaster Garrett. The report of the investigation shows that the charges made by Mr. Clary were not sustained by the facts, and that the civil-service law has been faithfully administered by the postmaster.

#### **Connellsville, Pa., Post-Office. File 682 S.**

On August 27, 1897, the Commission was advised by the Post-Office Department that an order had been issued establishing free-delivery service at Connellsville, Pa., with three carriers and one substitute carrier, the service to take effect on January 1, 1898. On January 24, 1898, the Commission received a communication from the postmaster alleging that such service had been delayed in order that his successor might select a new carrier force and dismiss the existing clerical force, which would otherwise become classified on the date of the actual establishment of the free-delivery service. Acting upon the Department's notification that the service was to be established on January 1, 1898, the Commission held an examination on October 14, 1897, for establishing a register from which the carriers might be selected. On December 4, 1897, three carriers and two substitute carriers were certified and selected, but on January 21, 1898, upon inquiry, the Department orally informed a representative of the Commission that the date of establishment of free-delivery service had been postponed until February 1, 1898. It appeared from the postmaster's communication that the carriers were appointed and actually commenced service on January 1, 1898, which has always heretofore been held to have the effect of classifying the

clerical force employed on that date. In view of the charges made that the postponement of free-delivery service was due to political reasons and that the newly appointed postmaster did not desire to retain the employes appointed under a predecessor of different political affiliation, and had already removed two members of the clerical force and appointed temporary clerks in their stead, the matter was brought to the attention of the Post-Office Department with the request that it furnish such information as would enable the Commission to properly dispose of the complaints. On March 25 the Department advised the Commission that the papers in the case had been referred to a post-office inspector for investigation and that the inspector's report contained (substantially) the following statement:

Arriving at Connellsville on February 15, I went to the post-office and advised Mr. Marietta, the postmaster, that I had been directed by the Department to transfer the office to Mr. Collins. After some objection Mr. Marietta concluded to peacefully permit such transfer to be made. Mr. Collins was then notified to come to the office with his commission, and when he responded he brought with him two persons whom he stated were to be his clerks. I advised him that there were clerks in the office and that I did not think that it was his prerogative to dismiss them, inasmuch as the free-delivery service had been extended to the office on January 1, 1898. The two clerks which the new postmaster brought were, therefore, not allowed to enter the office and, upon my request, retired.

When either of these clerks (the clerks who had complained of illegal removal) states that he was illegally removed, he makes false statements, for they were advised by me that they would be allowed to continue in their respective positions in the office until it could be ascertained whether the office had been classified under the civil-service rules, but their failure to report for duty on the following morning, and the fact that they have not since reported for duty shows beyond a doubt that they were influenced by the retiring postmaster to attempt to place the new postmaster in a most embarrassing position by forcing new and inexperienced help upon him. I am positive that neither of the clerks reported for duty on the following morning after the transfer of the office, as I was at the office myself.

The employees making complaint were advised of the substance of the inspector's report and informed that it seemed to the Commission that the removed employees were responsible for the action taken and that it had no authority to make further inquiry into the matter. The employees made further complaint to the effect that they had been removed without written charges being preferred against them and without an opportunity to make defense, as required by section 8 of Rule II. This complaint was submitted to the Department on April 4, and on April 29, 1898, the Department replied as follows:

There is nothing to add to the Department's letter of March 25, 1898, stating the cause of separation from the service of these two clerks. They simply threw up their positions and abandoned the post-office with a view to embarrassing the new postmaster by compelling him to employ inexperienced help. A competent post-office inspector was on the ground at the time, sent there by the Department to compel the retiring postmaster to turn the office over to his successor.

Complaints have been received relative to certain appointments to the clerical force of this office without examination and certification. Investigation showed that such appointments were approved under section 13 of Rule VIII, before the eligible register for clerks was established on April 5, 1898. One of the temporary appointees was subsequently brought into the service through examination and certification under the civil-service rules.

#### **Dayton, Ohio, Post-Office. File 3101 C.**

It having been alleged that there had been irregularities at this office in the matter of appointment and promotion of substitute clerks and that the postmaster had made changes on account of politics and in violation of the civil-service act and rules, a representative of the Commission visited the office on November 5, 1898, and made an investigation of the charges.

It was charged that when a vacancy had occurred in the grade of clerk and three names had been certified to the postmaster a letter had been written to a neighbor

of one of the eligibles asking if he (the eligible) was a Republican in politics. It was alleged that the letter had been written by the chairman of the county executive committee and that as a result of the correspondence a certain eligible had received appointment. The investigation failed to bring out any tangible or positive evidence to show that the postmaster had been in any manner connected with the writing or sending of the letter or had any knowledge of the circumstances.

It was further charged that two Democratic clerks had been passed over in making promotions on account of their politics. The investigation developed the fact that one of the clerks was promoted after the charges had been filed and that the other clerk had failed to receive promotion. It was shown, however, that the same clerk had been ignored in the same manner by the former postmaster, who was a Democrat, and that the question of politics had not entered into the matter under either administration.

It was found that the present postmaster had made no reductions in salaries of any of his employees; that he had caused no removals of nonexcepted employees to be made, and that in no respect had the civil-service law or rules been violated. The postmaster stated to the Commission's representative that the Dayton office had always prospered under a strict observance of the rules and that it was his intention "to hew pretty close to the line."

The report of the investigation showed that no action on the part of the Commission was necessary, and the complaints were therefore dismissed.

#### **Dunkirk, N. Y., Post-Office. Files 162 and 5188.**

The monthly reports of changes in the service at the Dunkirk post-office for November, 1897, showed the temporary appointment of W. E. Landscharf as stamper on November 1, 1897. The report for June, 1898, showed Landscharf probationally appointed as mailing clerk, under date of June 1, 1898; also the temporary appointment of J. W. Seeley as stamper June 1. The Commission's records show that Landscharf was regularly appointed as junior substitute carrier July 17, 1895.

On July 26, 1898, the June report was returned to the postmaster, calling his attention to the irregularity of his action and requesting that he state his authority for appointing Landscharf probationally to the position of mailing clerk, the rules not permitting the transfer of a junior substitute carrier to the regular permanent force. No reply being received, the matter was brought to the attention of the Post-Office Department. Finally, on January 3, 1899, the postmaster wrote that "Mr. Seeley is still employed as stamper (*vide* June report) and Mr. Landscharf is still serving as clerk."

Upon referring the case to the Postmaster-General, the Commission was informed that the postmaster had been directed on January 5, 1899, to remove Landscharf and Seeley at once, and make selection to fill resulting vacancies from the civil-service register of eligibles. On January 12, 1899, the postmaster reported to the Commission the discontinuance of the temporary services of Landscharf and Seeley on January 7, 1899.

Mr. Seeley was subsequently appointed mailing clerk through certification and selection.

#### **Grand Rapids, Mich., Post-Office. File 216 S.**

The report of changes from the postmaster at Grand Rapids, Mich., for the month of April, 1898, showed the promotion of a substitute clerk to a regular clerk position. This was the first information the Commission had that the person promoted was in the service. In response to the Commission's request for further information in regard to the person promoted, the postmaster stated that he had been serving as a substitute clerk for two years, although he had not been appointed through examination and certification, and that his appointment had never been reported to the Commission, as required by the civil-service rules. The matter was brought to the attention of the Post-Office Department on June 22, 1898, with the result that the clerk was removed from the service on August 25, 1898.

**Jeffersonville, Ind., Post-Office. File 271 S.**

The history of the Jeffersonville, Ind., post-office illustrates a type of cases.

Where, during an administration of one political party, numerous removals for partisan reasons are made of members of another political party, and the administration is succeeded by one of the political faith of the employees removed, upon the entry into office of the new postmaster, great pressure is brought to bear upon him to remove employees not of his own party, even though such employees entered the positions they occupy as the result of civil-service examination and certification. The argument advanced is that appointments to such positions were made possible by prior removals for partisan reasons. Under these circumstances removals for very trivial reasons often occur, and sometimes the charges upon which removals are based appear to be of the "trumped-up" order.

An investigation of the above-named post-office made by this Commission in 1894 showed that a "clean sweep" for political reasons had been made in the Jeffersonville, Ind., post-office. Since the change of postmasters incident to the change of administration it would seem that political reprisals have been made. Three regular carriers and three substitutes have been removed. One of the carriers, Mr. Harry Hensel, made complaint, and alleged that the postmaster in removing him said that he hoped he (Hensel) would not think that in making the removal he had anything personal against him; that his work was gilt edged, but that he (Hensel) did not know what pressure had been brought to bear.

The charges made by the postmaster against Hensel were that on Sunday, March 15, 1898, he had "rung in" on the time clock for Carrier Burlingame at 8 a. m., when Burlingame did not actually report until 8.35 a. m. Mr. Hensel explained this by stating that he did so because so ordered by the assistant postmaster, and that he thinks the postmaster was present at the time. Mr. Hensel complied with the assistant postmaster's directions, supposing Burlingame was in the office. Upon this charge Mr. Hensel was removed five and one-half months later. A further charge against Mr. Hensel was that he "rang in" for Carrier Williams on June 10 and 11 at 7 a. m., before Williams had reported at the office. Mr. Hensel denied this and presented statements of other persons to show that he did not leave his home on the morning in question earlier than 7.20 or 7.30, and could not, therefore, have "rung in" for anyone at the hour named.

In addition to these matters connected with official duties Mr. Hensel alleged that the postmaster had remarked that "no Democrat in the post-office would eat his Christmas dinner in the employment of the Government," and made other expressions of like intent.

On December 27 Edgar G. Burlingame informed the Commission of his removal from the carrier service on the charge of falsifying his time report. In denying this charge, Mr. Burlingame stated that on the morning in question he was twenty-five minutes late, and when he reached the office he started to ring in on the time clock. He was told by the assistant postmaster not to ring in as it had already been done. Having been accustomed to receive orders from the assistant postmaster, he did not ring in, as he thought he was doing right in obeying instructions. He further stated that when the postmaster relieved him from duty he told him that he had no fault to find with his work, and gave him a letter of recommendation as "being a young man of good habits, sober, industrious, honest, intelligent, \* \* \* and a faithful worker."

V. F. Clark was dismissed on December 5 on charges that he alleges he was given no time to disprove, having but one hour in which to appear for investigation after being notified.

The substitute carriers made no complaint to the Commission. The matter was brought to the attention of the Department, and before taking any action upon the postmaster's recommendation, a representative of the Department was sent to Jeffersonville to make thorough investigation of the matter and report. The report sustained the charges of the postmaster and affirmed other evidences of neglect on



the part of the carriers. No reference was made to the political features of the case, nor were any reasons set forth for the dismissal of the subcarriers. As a result of this investigation the removals were confirmed. The Department later informed the Commission of the result of this investigation.

The Commission found that the provisions of section 8 of Rule II had been complied with, in that charges were regularly filed against the men, they were given a hearing before a representative of the Department, and upon the record of the charges and answers the Department took action. The case was accordingly closed and the complainants so notified.

#### **Lewiston, Me., Post-Office. File 304 S.**

An investigation was made by correspondence of certain charges filed by Lorenzo W. Daly, the acting postmaster at Lewiston, to the effect that he had been removed from an excepted position for political reasons. In answer to a communication from his attorneys, inquiring whether Mr. Daly could be removed without cause, and whether the incoming postmaster could fill the vacancy without examination and certification, the Commission replied as follows:

The position of assistant postmaster at all classified offices is excepted from examination under Rule VI, and hence is not covered by the provisions of section 8 of Rule II. (See page 113 of the Fourteenth Report.) Occupants of such positions may therefore be removed without a statement of the cause of removal, and appointments may be made without reference to the register of eligibles. A removal may not, however, be made for political or religious reasons, such removal being prohibited by section 3 of the rule referred to.

Later the attorneys for Mr. Daly complained that he (Daly) had been removed from an excepted position in violation of the provisions of section 3 of Rule II, and submitted papers in support of such claim, which contained the following: (1) A statement made by Mr. Daly under oath that the postmaster made the following statement to him:

Mr. Daly your work is satisfactory to the public. I have no fault to find with you. The only question is this: Either a Democrat or a Republican will hold the position for four years, and I believe that it ought to be a Republican.

(2) An affidavit from a citizen of Lewiston declaring that the postmaster had said to him:

It is simply a question as to whether Mr. Daly shall serve two years or the Republican whom I shall appoint shall serve four years. If I should let Mr. Daly serve out his term it would hardly give the Republican whom I appoint a fair show.

Upon submitting the case to the Post-Office Department the Commission was advised that on June 7, 1898, Mr. Daly, who was then chief and money-order clerk (assistant postmaster), in the Lewiston office was appointed acting postmaster on account of the death of Postmaster Walker; that under date of June 10, Mr. Daly, as acting postmaster, recommended the promotion of Miss Jennie E. Ambrose, a registry clerk, to the position formerly occupied by him, and that his recommendation was approved by the Department on July 8, 1898. The Department held that upon the acceptance by Mr. Daly of the position of acting postmaster he ceased to be a clerk in the Lewiston office, and thereafter, by inference, he had no further rights to the classified position which he formerly held, and was superseded by the Presidential appointment of William T. Smart as postmaster.

The information submitted by the Post-Office Department was communicated to Mr. Daly's attorneys on September 22, 1898, with the statement that in view of the Department's explanation that Mr. Daly ceased to be a clerk in the post-office at the time he accepted the position of acting postmaster, and that he was separated from the latter position by the appointment, by the President, of his successor, it would seem that his separation did not come within the purview of the civil-service law and rules.

**Little Rock, Ark., Post-Office. File 2634 S.**

Under date of March 19, 1898, Mr. Joseph H. McGinn, who had been probationally appointed to the position of assistant registry clerk in the Little Rock, Ark., post-office after passing the required examination, wrote the Commission that he had the day before been notified by the postmaster that after March 20, the date of expiration of his probationary period of appointment, he would no longer be retained in the service; that he requested the postmaster to state the cause of his dismissal, but received no other response than that he (the postmaster) thought that another man would be more satisfactory. Mr. McGinn stated that the person whom the postmaster had reference to was a prominent Republican politician, who had held the position temporarily up to the time of his (McGinn's) appointment, and who had entered the examination with McGinn, but passed with a lower average and could not be certified, at the time, for appointment. Mr. McGinn further stated that at the time of his appointment he had been offered \$25 to retire from the list of eligibles in order that this person (whom the Commission later learned was a Mr. E. B. Knight) might rank third on the list of eligibles, and thus be included in the group certified to fill the vacancy in the position of assistant registry clerk; that among those who had urged him to yield his position on the eligible register was the postmaster himself; and that, failing in this, it was his (McGinn's) opinion that his removal as assistant registry clerk at the expiration of his probationary period was contemplated from the time of his appointment. Of his service while on probation, McGinn stated that the chief clerk of the office under whom he worked testified favorably, and that the postmaster did not deny that he had been faithful and efficient. Mr. McGinn stated, in conclusion, that he had not been accorded an opportunity to answer any particular charges which might have been brought against him, and asked that he be given such an opportunity.

Upon inquiry by one of its examiners, the Commission learned the following:

With reference to the charge that he had been offered compensation to retire from the register of eligibles, Mr. McGinn stated that at the time of his appointment he had been approached by a United States deputy marshal, who had offered him \$25 to withdraw from the list. The only corroboration of this charge which the examiner could obtain was the affidavit of a third person that McGinn and the deputy marshal did meet at the place mentioned, and the statements made by several post-office clerks and a person not in the Government service that McGinn informed them of the alleged offer at the time it was made. It was not shown that the postmaster was connected with this alleged attempt to induce McGinn to withdraw from the register.

With reference to the charge that Mr. McGinn had been removed for political reasons, in violation of the civil-service rules, the evidence was conflicting. The postmaster made the following charges: (1) Unacquainted with business men of the city; (2) keeping up dairy business and continuing to live 4 miles from the office, and being sometimes late on that account; (3) too slow; (4) grumbled about overwork; (5) made serious mistakes; (6) failed to lock registered pouches; (7) read papers while on duty; (8) poor handwriting.

Some of these charges were supported by the statements of the assistant postmaster and the mailing clerk. On the other hand, other employees testified that McGinn had always performed his duties satisfactorily; that he was punctual in attendance, courteous to everybody, attentive to his business, and had manifested unusual interest in the work of the office. A number of circumstances tended to show that political considerations entered into McGinn's removal. Thus it was shown that two employees in the office early learned that he would not receive permanent appointment. One of these employees (the former assistant postmaster), it is stated, informed another within ten days after McGinn's appointment that he would not be retained. The person who was finally appointed to the position vacated by McGinn was the person in whose favor McGinn alleges he was asked to withdraw his name

from the register of eligibles, and this person has frequently been given office in the Federal service during the political supremacy of his party.

The evidence obtained by its examiner was not deemed by the Commission sufficient to establish the charges made by Mr. McGinn, and they were therefore dismissed and Mr. McGinn so informed.

#### **Logansport, Ind., Post-Office. File 313.**

The report of changes in the service of this office for the month of July, 1898, showed the appointment of Dyer J. Powell as stamp clerk July 1, 1898, without certification, while there were three names on the mail-clerk register, that of Powell not being among them. In reply to a request for a statement of the facts, the postmaster said that when he came into the office he found it impossible to attend to the correspondence, make out reports, sell stamps, etc., and therefore employed his nephew to assist him. In June he asked the Department for an allowance of \$300 to pay a stamper, which was granted, he being notified to make the appointment. This was done by sending in the above name, which was confirmed by the Department. He further stated that he understood this was an excepted position, and that he would employ his nephew and pay him from his own pocket rather than take in a stranger, on account of the large sum handled during the year and for which the postmaster is responsible.

The matter was referred to the Department on September 26 and Powell was removed on October 1, 1898.

#### **Mount Vernon, Ohio, Post-Office. File 373 S.**

In January, 1898, the Commission received two communications from O. L. Hartupce, a late employee of the Mount Vernon, Ohio, post-office, in which the following charges were made: (1) That while his salary was fixed by the Department at \$600 per annum, the postmaster had paid him at the rate of \$480 per annum, thus retaining \$120 a month of his salary and converting it to his (the postmaster's) personal use; (2) that when the postmaster learned that he had been corresponding with the Department in regard to his salary he (the postmaster) preferred charges against him, which charges he alleged were wholly unfounded. Mr. Hartupce declared that he had a number of affidavits in readiness, given by employees of the office, to be used in his defense, but that the Department had failed to give him notice of the time and place of the investigation, which, he assumed, was in violation of the President's order of July 27, 1897.

Mr. Hartupce was requested by the Commission to forward the evidence that he claimed to have in his possession establishing his charge that he was removed in violation of the civil-service rules.

On January 17, 1898, Mr. Hartupce's attorney submitted the affidavit of Mr. Hartupce, as well as an affidavit of a citizen of Mount Vernon, Ohio, for the purpose of showing that the provisions of section 8 of Rule II had been violated.

The complaints were communicated to the Post-Office Department and attention called to the seriousness of the charges, to which the Department replied informing the Commission that the removal was based upon certain charges made by the postmaster under oath and of which the employee was fully advised and given an opportunity to reply. In this communication to the Commission the Department repeated the ten separate charges that had been made by the postmaster against Mr. Hartupce. With reference to Mr. Hartupce's charge that the postmaster had converted a part of his (Hartupce's) salary to his own personal use, the Department stated:

Relative to Mr. Hartupce's statement that he has not received the full amount of salary authorized by the Department, I beg to advise you that under an allowance made for his salary by the Department he was entitled to the sum of \$351.99 from the date of appointment, January 11, to November 30, 1897, while his sworn statement, dated November 2, 1897, shows that he received for this period \$360. He therefore received \$8.01 more than the amount allowed him by the Department.

The charges filed by the postmaster, which were submitted to the Commission by the Department, related solely to the internal administration of the office, over which the Commission had no jurisdiction. In a letter to Mr. Hartupée, dated February 19, the Commission inclosed a copy of the Department's communication of February 18, and stated:

In view of the statements contained in the Department's letter, the Commission is of the opinion that you had an opportunity to answer the charges which had been filed against you, and that in your removal from the service for the reasons given by the postmaster there has been no violation of the civil-service rules.

Mr. Hartupée has not communicated further with the Commission.

#### **Nevada, Mo., Post-Office. File 383 S.**

In the early part of 1898 the Commission received, through a Representative in Congress, a complaint from an employee of the Nevada, Mo., post-office, charging that the postmaster had declined to recommend his promotion to the regular force, and had asked him to resign, assigning no reason whatever for this request except that "the local Republicans here will roast me if I don't do this." Upon receipt of this complaint the matter was made the subject of correspondence between the Commission, the postmaster at Nevada, Mo., and the Post-Office Department. On March 15 the Department advised the Commission that the postmaster had declined to recommend the substitute carrier's promotion and had preferred specific charges against him; that the substitute carrier had been notified of these charges and had been given an opportunity to submit a defense. After conference with the Post-Office Department the Commission was advised by the Department that after careful consideration of the case it had been decided that the charges preferred did not warrant the substitute carrier's removal from the service, and that the postmaster had been so notified. On February 7, 1898, the substitute carrier was promoted to the regular force.

#### **Philadelphia, Pa., Post-Office. File 454 S.**

In the application of T. J. Ochsenwald for examination for the carrier grade in the Philadelphia post-office the written answers to printed questions in the vouchers and medical certificates, together with the signatures thereto, were found to have been written by the applicant himself. A true bill of indictment was found against Ochsenwald, charging him, under section 5418, R. S., with making and presenting a false writing for the purpose of defrauding the United States. Upon trial the defendant admitted that he had filled out and signed the vouchers and medical certificates, but claimed that he did not know that he was doing wrong. It was shown, however, that he adopted styles of handwriting other than his own for the purpose of deception. He was found guilty and sentenced to three months' imprisonment and to pay the costs of prosecution. (See United States v. Ochsenwald, United States district court, eastern district of Pennsylvania, May session, 1898.)

#### **Phoenixville, Pa., Post-Office. File 2812 S.**

Among the competitors who applied for the carrier examination at the time the free-delivery service was established at Phoenixville, Pa., was one Francis Joseph Quinn, formerly an employee of the Philadelphia post-office. In his application for this examination Mr. Quinn stated that he had never taken an examination for the classified service, and had never been in the Government service. The fact that he had been in the post-office service at Philadelphia was known to the clerks of the Phoenixville post-office, as well as to the secretary of the civil service board at Philadelphia, who was sent to Phoenixville to conduct the initial examination. Upon being questioned, Mr. Quinn acknowledged that he had been removed from the position which he formerly held in the post-office at Philadelphia. Subsequent investigation showed that he took an examination for clerk in the Philadelphia post-office in 1886, receiving a grade of 80.18 per cent, and that he was appointed substitute clerk on October 5, 1896, and removed for intoxication on March 23, 1898.

The Commission's representative swore out a warrant for Mr. Quinn's arrest, charging him with presenting false statements upon filing his application for the Phoenixville post-office. The preliminary hearing was held before United States Commissioner Craig on September 15, 1898, and the defendant held for bail for \$500 in the United States district court. On November 3, 1898, Quinn pleaded guilty of the charge and was sentenced by Judge Butler to pay a fine of \$150 and the costs of prosecution, and to stand committed until the fine and costs were paid. Judge Butler, before passing sentence upon the defendant, reprimanded him severely.

This is one of several cases where the secretary of the Philadelphia postal board has secured conviction for false statements made in applications for examination under the civil-service rules.

#### **Pittsburg, Kans., Post-Office. File 3654 C.**

Under date of June 14, 1897, the Post-Office Department informed the Commission that the free-delivery service was to be established at Pittsburg, Kans., and requested that steps be taken to secure an eligible list at that office from which the letter carriers and substitute letter carriers might be selected. In compliance therewith an examination to secure the required carrier register of eligibles was held in Pittsburg, Kans., on August 7, 1897. Twenty-seven of the forty applicants obtained an eligible rating. On September 29, 1897, the proper number of eligibles was certified to the Department for appointment.

The Post-Office Department requested, under date of April 8, 1898, that, in view of complaints that the application blanks had been distributed to the members of one political party only, the Commission cancel the list of eligibles resulting from the examination of August 7, and hold a new one. A few days later, the Department established free delivery in Pittsburg with substitute carriers, detailed from Kansas City, Mo. Just before doing so, however, the Department appointed from among those who took the August 7 examination five clerks and two substitutes. These appointments were in addition to the normal clerical force of three.

Toward the close of June, 1898, the charges of discrimination in the distribution of application blanks were investigated by a representative of the Commission and found to be groundless. On July 26 the Commission notified the Post-Office Department of the result of its investigation, and stated that the list of eligibles resulting from the August 7 examination could not be canceled, and that the period of eligibility would be extended so as to compensate for the time lost pending the investigation. It was also suggested that the carriers be appointed from the list of eligibles already established, in view of the fact that the irregularities charged in connection with the August examination were found to be without foundation.

On November 14, 1898, the Post-Office Department returned the papers of eligibles sent to it on September 29, 1897, and informed the Commission that three carriers and two substitutes had been appointed by transfer from the clerical force of the office. All of the carriers and substitutes so transferred had taken the August 7, 1897, examination for carrier. The carriers ranked first, seventh, and sixteenth on the list of eligibles. Both of the substitute carriers failed to pass the examination.

Under date of November 30, 1898, the Commission informed the Post-Office Department that, in view of all the circumstances in the case, it did not consider such transfers permissible under the civil-service rules.

The Department replied on December 6, 1898, claiming, in substance, that its right to transfer a clerk in a post-office to the carrier force could not be questioned.

Under date of December 10 the Commission replied, giving an extended history of the case, and again stating that its consent could not be given to appointments made in disregard of the established register.

The Postmaster-General, under date of December 14, 1898, replied, stating:

After a careful review and consideration of this case, the Department is forced to reaffirm its conclusion in the matter, as set forth in previous correspondence and briefly summarized as follows:



First. The Department has the right to transfer clerks in post-offices to the carrier force.

Second. The right is not limited as to the number of transfers at a given office.

Third. The eligibility of clerks for transfer is not jeopardized by their failure to pass a civil-service examination, which they may have taken, or, if they passed the examination, by their being too low on the register to receive certification in the usual manner.

The selections in this particular case were made without reference to the eligible register; in fact, when the action was taken the Department did not know that any of the clerks to be transferred had taken the civil-service examination.

Therefore the Department can not agree with the Commission that a certification had practically been made of the highest three names because one of the clerks transferred happened to be one of the three.

Under date of December 16, 1898, the Commission acknowledged the receipt of the Department's letter, and stated that it was still of the opinion that the action of the Post-Office Department in connection with these appointments was not consistent with its uniform practice in the past, and was in derogation of the spirit of the civil-service act and rules.

It stated that the right of the Post-Office Department to transfer a clerk in a post-office to the carrier force under ordinary conditions was not questioned; but it could not admit that the eligibility of a clerk for transfer is not jeopardized by his failure to pass a civil-service examination or by his being too low on a register to be reached for certification in the usual manner.

Concerning the rights of the Post-Office Department in the matter, the Commission invited attention to Rule X, clauses 1 and 2, which govern in the matter of transfers.

It was pointed out that this rule prescribes the manner of making transfers, and especially indicates that such transfers may be made upon any test of fitness not disapproved by the Commission. It added:

The fact that an examination was held at the request of the Post-Office Department to establish a register of eligibles from which certification could be made is of itself an evidence that the Department originally intended, in accordance with its hitherto invariable practice, to appoint from this register persons to fill the positions of letter carriers at the Pittsburg, Kans., post-office.

Prior to July 13, 1897, initial appointments in newly classified post-offices were made in the same manner as other appointments—that is, by request of the nominating officer upon the local secretary and by certification from the register. On July 13, 1897, the Post-Office Department requested that the papers of newly classified post-offices be transmitted to the Department, in order that the initial selections of carriers might be made by the Postmaster-General. The Commission in acquiescing in the Department's request had no idea of opening a way by which initial appointments could be made otherwise than as the rules prescribe—that is, by the certification in each case of the highest three names on the register, and the selection of one of these names to fill the vacancy—and it is a matter of regret on the part of the Commission that the action of the Post-Office Department in this case has necessitated the correspondence relative thereto.

In conclusion, the Commission holds to its original opinion that the appointments to the positions of letter carriers in the Pittsburg, Kans., post-office constitute a breach of good faith, and they are therefore disapproved.

**Washington, D. C., Post-Office. File 593 S.**

#### ASSIGNMENT OF LABORERS TO CLASSIFIED DUTY.\*

The assignment of persons employed as unclassified laborers in the Washington post-office to duty on apparently classified work in that post-office, or by detail to the Post-Office Department, occasioned correspondence with the Department and the postmaster during the period from December, 1897, to July, 1898.

Some time in December, 1897, the Commission received information that Grace H. Semmes, who was appointed to an unclassified laborer position in the Washington post-office on November 3, 1897, had been detailed to duty in the Post-Office Depart-

\* See general subject, pp. 269, *et seq.*

ment, and on December 24 the attention of the Department was called to the matter by the Commission. Later, on February 9, 1898, the Commission made inquiry concerning the detail of Clara R. Goodwin to the Post-Office Department under similar conditions, and again, on March 21, 1898, concerning the detail to the Department of Genevieve McNeely. In these inquiries the Department was requested to state specifically the duties these employees were required to perform, but it failed to respond, after repeated inquiries, until April 6, 1898, when the following communication was transmitted to the Commission:

I beg to acknowledge receipt of your letters of the 18th and 21st ultimo, relative to the detail of the following laborers from the Washington City post-office to the Post-Office Department, namely, Genevieve McNeely, R. W. D. Dorsey, Virgie Q. Brown, Grace H. Semmes, and Clara R. Goodwin, and in reply to advise you that the said persons are now reassigned to duty in the Washington post-office.

This communication was signed by the Acting First Assistant Postmaster-General, and while it notified the Commission impliedly that if these details were in violation of the civil-service rules the matter had been remedied so far as the Department was concerned, yet it failed to give or even refer to the information requested by the Commission concerning the duties performed by the employees in question.

The report of changes in the Washington post-office for the month of March, 1898, seemed to indicate irregularity in the reassignment of these laborers, and on April 19 the Commission communicated with the postmaster, stating that his report showed that Fannie R. Wynans, Fannie J. Jeffreys, and Virgie Q. Brown were engaged "in delivery division, preparing slips on the work of the Quadrennial Directory," which the Commission was informed was work of a classified character. It added:

If the services of additional persons are needed in the preparation of the Quadrennial Directory they should be appointed from the substitute-clerk list, or, if there are no substitutes upon such list, by direct appointment from the register of eligibles.

The postmaster failed to reply to this communication, and on May 13 the Commission wrote to him requesting a reply. In the meantime the Commission learned from the report of changes in the post-office that James W. Payne and R. W. D. Dorsey were on detailed duty in the Post-Office Department. Inquiry was made concerning the matter, the Department having reported on April 6 that Mr. Dorsey had been returned to the post-office. This inquiry was repeated on May 13, but the Department failed to respond.

On May 18, 1898, the Commission received the following letter from the postmaster:

In answer to your two letters of the 13th instant, in which you request a reply to your communications of April 13 and 19, requesting the status of Genevieve McNeely, R. W. D. Dorsey, Virgie Q. Brown, Grace A. Semmes, Clara R. Goodwin, Fannie R. Winans, and Fannie J. Jeffrey, I have the honor to inform you that Fannie R. Winans, Fannie J. Jeffrey, Virgie Q. Brown, and Clara R. Goodwin are engaged on the work of preparing the quadrennial directory of the Washington City post-office. They are cutting and pasting paper. They do not write or perform clerical work. Their employment is only temporary and their work is nearly completed.

Genevieve McNeely, R. W. D. Dorsey, and Grace H. Semmes were detailed to the Post-Office Department by authority of the First Assistant Postmaster-General.

I have only been enabled to-day to present the subject-matter of your communications to the First Assistant Postmaster-General, at whose request my reply to you has been withheld until now.

The reports from the Department and the post-office for June, 1898, showed that these persons had finally been dropped from the rolls.

#### REMOVAL OF J. G. ELAM. FILE 595 S.

The report of changes in the service from the Washington, D. C., post-office for the month of March showed the removal of one J. G. Elam by order of the Postmaster-General, upon charges preferred against him by the postmaster for failure to pay substitute carriers for services performed in his stead. In response to a request for

further information, the postmaster forwarded on May 28, 1898, copies of correspondence between his office and the Department, among which was a copy of the Department's order for the removal, dated April 17, 1898, which read as follows:

The defense of Letter Carrier J. G. Elam has been received. Inasmuch as he has failed to disprove the charges preferred against him, I have decided to remove him from the service. His name has therefore been stricken from the rolls of this office, and you are hereby authorized to nominate his successor.

In explanation of the charge of failure to pay substitute letter carriers for service performed in his stead, the postmaster stated that Elam drew his half-month's pay on the 15th of the month and did not report for duty for two days thereafter, claiming that his absence was due to a fall from a carriage, but that it was the postmaster's belief that his absence was due partly to other causes which reflected upon his character, conduct, and capacity as a letter carrier, he having been suspended a short time previous thereto for the same causes.

In the report of changes in the service for May the postmaster reported Elam as reinstated, his reinstatement to date from April 1, "by order of the Postmaster-General." Upon receipt of this report the Commission wrote the Department as follows:

A report of changes in the service has been received from the postmaster at Washington, D. C., which shows the reinstatement of J. G. Elam to the position of carrier in that office. It does not appear that any certificate has been issued for this reinstatement. The records of this office show that Mr. Elam was removed on March 31, upon charges preferred against him by the postmaster of failure to pay substitute carriers for services performed in his stead. It does not appear that Mr. Elam is entitled to reinstatement under the rules.

In its reply, dated June 22, the Department stated:

I beg to inform the Commission that Mr. Elam was not removed; therefore, he could not have been reinstated. He was simply suspended until the 16th day of May. The reports of this office, from which your records should be made up, do not show Mr. Elam's removal. Had the postmaster's report for March been properly checked with the reports made by this Department, his report would not have been approved by your Commission as correct.

On June 30 the Commission replied to the Department's letter of June 22, 1898, as follows:

The Commission is in receipt of the Department's letter of June 22, relative to the report received from the postmaster at Washington, D. C., showing the reinstatement of J. G. Elam to the position of carrier in that office without certification by this Commission, as required by the civil-service rules.

In response, you are informed that the postmaster's report of changes in the service for the month of April contained a notation showing the removal of J. G. Elam, "by order of the Postmaster-General." The report was returned to the postmaster for information respecting the charges filed against Mr. Elam. Among the papers submitted by the postmaster, in answer to the Commission's request, was a copy of the Department's letter of April 17, 1898, which reads as follows:

"The defense of letter carrier J. G. Elam has been received. Inasmuch as he has failed to disprove the charges preferred against him, I have decided to remove him from the service. His name has therefore been stricken from the rolls of this office, and you are hereby authorized to nominate his successor."

It appears from the postmaster's report that he carried out the Department's instructions of April 17, 1898, by removing Mr. Elam, and that he nominated the senior substitute for promotion to the regular force, vice Elam, removed. The Department's letter of April 17, 1898, followed by the action of the postmaster, completed Mr. Elam's removal from the service, and he could, therefore, only properly be reinstated under the conditions prescribed by the civil-service rules. The Commission must therefore request that the proper steps be taken for the reinstatement.

No reply has been received to this communication, although specific requests for a reply were made to the Postmaster-General on July 18, and August 15, 1898.

The postmaster's report for February, 1899, shows that Mr. Elam was again removed on February 15, 1899, by reason of misconduct.

EXTRACTS FROM THE REPORT OF THE POSTMASTER-GENERAL FOR 1898.

EXTENSION OF FREE-DELIVERY SERVICE.

During the year the service was established at 59 offices, requiring the appointment of 215 carriers, at a cost of \$87,000.62, as follows:

New free-delivery offices.

Office.	No. of car- riers.	Office.	No. of car- riers.
Adams, Mass .....	4	Milton, Pa .....	2
Anaconda, Mont .....	3	Newton Center, Mass .....	24
Athol, Mass .....	4	North Attleboro, Mass .....	3
Andover, Mass .....	3	Newport News, Va .....	4
Attica, Ind .....	2	Napa, Cal .....	2
Austin, Minn .....	3	Olneyville, R. I .....	2
Bellaire, Ohio .....	4	Ocean Grove, N. J .....	2
Bristol, Conn .....	3	Pittsburg, Kans .....	5
Barre, Vt .....	4	Phillipsburg, N. J .....	4
Boone, Iowa .....	4	Potadam, N. Y .....	4
Bloomsburg, Pa .....	3	Petoskey, Mich .....	3
Boulder, Colo .....	3	Pontiac, Ill .....	4
Chicopee Falls, Mass .....	4	Palestine, Tex .....	4
Circleville, Ohio .....	3	Rahway, N. J .....	3
Connellsville, Pa .....	3	Rutherford, N. J .....	3
Cripple Creek, Colo .....	4	Redoak, Iowa .....	3
Fairfield, Iowa .....	3	Redlands, Cal .....	3
Fort Atkinson, Wis .....	2	Sunbury, Pa .....	3
Fulton, N. Y .....	4	Sault Ste. Marie, Mich .....	4
Grinnell, Iowa .....	2	Spartanburg, S. C .....	4
Galion, Ohio .....	4	Torrington, Conn .....	3
Greenville, Ohio .....	3	Traverse City, Mich .....	4
Holland, Mich .....	4	Tarrytown, N. Y .....	3
Indiana, Pa .....	3	Van Wert, Ohio .....	4
Kenosha, Wis .....	5	Wallingford, Conn .....	3
Kittanning, Pa .....	3	Westboro, Mass .....	3
Kirksville, Mo .....	3	West Medford, Mass .....	2
Marblehead, Mass .....	4	Watertown, Mass .....	4
Marysville, Cal .....	2	Washington, Ind .....	3
Manchester, Va .....	4		

The large increase in the postal revenues, due to the revival of business throughout the country, has greatly increased the list of offices entitled to the service. The report of the Auditor for the Post-Office Department, 1897-98, shows that 110 offices are entitled to the free-delivery service. Since July 1, 1898, the service has been established or ordered established at 34, still leaving 76 to await the consideration and action of the Department. The Department will establish the service at these offices as rapidly as possible, and the appropriation for the current year, namely, \$50,000, will, no doubt, be entirely exhausted for that purpose.

SEPARATIONS FROM THE FREE-DELIVERY SERVICE.

The total number of separations from the service during the year is itemized as follows:

For intoxication .....	62
For arrest for violation of postal laws and regulations .....	16
For gross violations of postal laws and regulations .....	90
For physical disability .....	4
	181
Carriers deceased .....	107
Carriers resigned .....	123
Total .....	411

The following comparative statement shows the percentage of separations in all grades, including deaths and resignations, for the past five years, or since the operation of the civil-service law was extended to all free-delivery offices:

	Per cent.		Per cent.
1893-94 .....	6.3	1896-97 .....	1.08
1894-95 .....	4.9	1897-98 .....	1.32
1895-96 .....	3.7		

Removals for cause during the same period are summarized as follows:

	Per cent.		Per cent.
1893-94 .....	4	1896-97 .....	1.06
1894-95 .....	3	1897-98 .....	1.32
1895-96 .....	2.1		

This record speaks for itself. The gradual decrease from year to year in the percentage of removals, from 4 per cent in 1894 to a fraction of over 1 per cent in 1898, is the best evidence of the strict enforcement of the civil-service law and rules by the Post-Office Department.

Another point worthy of special notice is the fact that but 16 of a force of 13,700 carriers were arrested during the year for theft. The subjoined statement shows the record in this particular for the past five years. It makes a good showing for the letter-carriers and is evidence of the high degree of faithfulness and trustworthiness which the force of carriers has reached. Although the force this year is larger by 2,000 than it was in 1894, the number of arrests decreased about 50 per cent.

Year.	Number of carriers.	Number of arrests.
1893-94 .....	11,736	31
1894-95 .....	12,714	30
1895-96 .....	12,834	28
1896-97 .....	12,931	20
1897-98 .....	13,696	16

III. THE INTERIOR DEPARTMENT.

(1) BUREAU OF PENSIONS.

PENSION EXAMINING SURGEONS.

In the Bureau of Pensions the practice of organizing, without precedent examination and certification, additional boards of pension examining surgeons in those cities where a classified civil-service board already existed, followed by the direction of all work connected with the medical examination of applicants for pension to the new board, has continued despite the repeated protests of the Commission to the Department of the Interior. The prior history of this matter, with the correspondence had by the Commission with the Department in relation thereto, appears in the Fourteenth Report at pages 349-365. Since additional complaints have been received from members of supplanted boards, protesting against the action of the Commissioner of Pensions, a brief history of this matter is presented:

By the revision of the civil-service rules made May 6, 1896, boards of pension examining surgeons whose receipts for the preceding four fiscal quarters exceeded \$900 (a board is composed of three members) were placed within the classified civil service and their positions made subject to competitive examination by virtue of the following provision of law (see section 7, civil-service act, 22 Stat. L., 403):

That after the expiration of six months from the passage of this act no officer or clerk shall be appointed and no person shall be employed to enter or be promoted in either of the said classes now existing, or that may be arranged hereunder pursuant to said rules [civil-service rules promulgated by the President], until he has passed an examination, or is shown to be specially exempted from such examination in conformity herewith.

The classification of these positions was recognized by the Department, and at rare intervals the Commission has been requested to hold examinations for filling vacancies on a board or to issue a certificate of reinstatement to a former member.

Following the change of Administration occurring after the revision of the civil-service rules of May 6, 1896, a large number of complaints were received by the Commission from the members of the boards reported by the Department of the



Interior as subject to the civil-service rules that an additional board (or, in large cities where more than one classified board existed, boards) had been organized, composed of persons who had not passed a civil-service examination, and that since the organization of such boards no pension applicants had appeared before them for medical examination, although they were still supplied by the Bureau of Pensions with office stationery, printed directions, etc. In all instances where the complainants reported the amount their board received in fees it was clear that the volume of work was not such that an additional board was necessary.

Upon bringing these complaints to the attention of the Department of the Interior the Commission was informed that the Commissioner of Pensions claimed authority for his action under section 4774 of the Revised Statutes, which section reads as follows:

The Commissioner of Pensions is authorized to organize, at his discretion, boards of examining surgeons, not to exceed three members, and each member of a board thus organized who is actually present and makes in connection with other members or member an ordered or periodical examination shall be entitled to the fee of one dollar.

This act was, however, passed on March 3, 1873 (17 Stat. L., 576), while the civil-service law was passed on January 16, 1883 (22 Stat. L., 403), so that this would seem to be a case where the familiar principle of law that the later act or provision, if irreconcilably repugnant with the prior act or provision, repeals the same by implication.

The Attorney-General, in an opinion rendered August 10, 1896 (Opins. Attorneys-General, Vol. XXI, p. 393), decided that paragraph 4415 of the Revised Statutes, prescribing the method by which vacancies on boards of inspectors of hulls of steam vessels should be filled, was repealed by the civil-service act in so far as it conflicted with such act, and that the members of such boards must henceforth be selected in accordance with the rules made for carrying out the provisions of the civil-service law.

There appears, however, no necessary conflict between section 4774, Revised Statutes, and the civil-service law. Indeed, few things would be easier in practice than to give effect to both of these statutes in the organization of pension examining boards. Were an examination for the position of pension examining surgeon to be conducted, with the assurance that three persons would be selected as a board from among those passing with highest averages, the experience of the Commission fully warrants the belief that there would be no dearth of competitors. In the selection of those who should be members of such boards the exercise of discretion is not taken away by any provision of the civil-service law; an eligible may always be dropped on probation, rejected after probation for good cause shown, or, after appointment, removed for unfitness of any kind. In this connection a brief quotation from the Commission's letter of January 15, 1898, to the Secretary of the Interior is presented:

When the Department reported these positions as embraced within the classified civil service it is to be presumed that it did so with knowledge of this section [sec. 4774, R. S.], and it is also to be presumed that such action was not intended to be meaningless; that a board might be classified and exist in full force and vigor as an agency for the examination of applicants for pension, while not a single pensioner was ordered to report to it. That is a strained construction of the clause "at his discretion," which sanctions the act of the Commissioner of Pensions in organizing additional boards for no other apparent purpose than to supplant boards within the classified civil service. Even if it be admitted that such action is not an abuse of the discretionary power conferred, and altogether outside of the legislative intent, it must still be borne in mind that the Commissioner of Pensions is an executive officer of the Government, charged with obedience to the rules promulgated for the conduct thereof. The course pursued renders the rules of the Chief Executive null and void.

Having brought the matter of the supplanting of classified boards by boards whose members had not passed a civil-service examination repeatedly to the attention of the Department of the Interior without in a single instance having the abuse cor-

rected, and a large number of the boards classified under the rules of May 6, 1896, having become boards in name only, the Commission deemed it best to recommend to the President the exclusion of these positions from the examination-required class. In taking this action the Commission invited the President's attention to the following recommendation, signed by three members of the Senate Committee on Civil Service and Retrenchment of the Fifty-fifth Congress:

In the Pension Office the committee are of the opinion that a complete revision of the system of local examining boards is necessary. As it now stands, some of the boards are in the classified service and some are not, which is in itself a very serious objection; but the trouble lies deeper than this, and requires an amendment of the pension laws. Under the present system of local boards, which are constantly being multiplied, there is no uniformity of rating, and great injustice results to the pensioners as well as injury to the Government. The boards should be constituted in such a way as to secure uniformity of rating, and should be composed of men who not only have the necessary medical training, but who are also familiar with the pension laws and with the methods of the Department. For the present confused system there should be substituted boards appointed by the Commissioner within the classified service and sent out from the Department at Washington. This would secure uniformity of rating, justice to the pensioners, and economy and protection to the Government.

#### SPECIAL PENSION EXAMINERS AND CLERKS.

In the fourteenth report of the Commission, at pages 344-349, the circumstances connected with the separation from the service of P. R. Hilliard, L. H. Paxton, C. A. Craven, McHenry Owen, John W. Moore, and J. T. C. Newsom, special pension examiners and clerks, are set forth. It is there shown that the Commissioner of Pensions is on record, in Senate Document 182, Fifty-fifth Congress, first session, as stating that a number of special pension examiners (some of them of marked efficiency) were removed solely because their places were desired for soldiers of the war of the rebellion who had been separated from the service. Nearly all of the men above named had excellent records, and all entered Government service as the result of civil-service examination. Their cases have been repeatedly brought to the attention of the Department of the Interior, but without securing their reinstatement.

In testimony before the House Committee on Appropriations Commissioner Evans stated that if "he could do it untrammelled, uninfluenced," he could drop out a hundred employees, but that the influence of Senators and Representatives was exerted to retain inefficient employees. Acting upon his recommendation, the appropriation for the Bureau of Pensions for the fiscal year ended June 30, 1898, provided for a reduction of 100 employees. Complaint has been made to the Commission that political considerations, more than anything else, determined who should be retained and who separated. The same complaint was made to the Commission in 1894 with reference to 24 clerks in the same office who, it was alleged, were discharged for political reasons, all being Republicans.

In his testimony before the Senate Committee on Reform in the Civil Service, December 20, 1897, Commissioner of Pensions Evans testified that there was great political pressure to retain and to promote inefficient clerks, and that the most inefficient had the greatest influence.

It was alleged in respect to the removals in 1898 that inefficient men were retained, while some of those dismissed or who were not recommissioned had high records for efficiency. Whether or not political reasons operated directly in the selections for removal, it seemed that many of those removed had little or no influence exerted for their retention and were from States largely Democratic in politics. These same States had the smallest proportion of appointments in the Executive Departments.

**(2) GENERAL LAND OFFICE.****APPOINTMENT OF FOREST SUPERINTENDENTS, RANGERS, ETC., WITHOUT CIVIL-SERVICE EXAMINATION.**

Under date of July 29, 1898, the Commission addressed the Secretary of the Interior inquiring respecting the authority for these appointments. It said:

Upon the revision of the civil-service rules on May 6, 1896, the Commission addressed a letter to the Secretary of the Interior desiring to be furnished with a list of positions which the Secretary regarded as embraced within the civil-service rules and the Presidential order of classification of June 10, 1896. This classification was construed by the Secretary as covering all the officers and employees in or under the Interior Department who were not, on the one hand, mere laborers or workmen; or on the other, persons appointed subject to confirmation by the Senate. The list of positions furnished by the Secretary of the Interior and printed by direction of Congress (House Doc. 202, Fifty-fourth Congress, second session) shows, with few unimportant exceptions, that the classification was comprehensive within the limits stated. Under this construction of the rules the forest employees would seem clearly to be embraced within the classified service.

No response was received to this communication.

**DENVER, COLO., OFFICE OF SURVEYOR-GENERAL.****Suspension of Juliet Berry. File 366 B.**

On March 10, 1898, complaint was made by Miss Juliet Berry, a copyist in the office of the surveyor-general for Colorado, that she was suspended from duty on the alleged ground of lack of work, while a few days prior to her release a new clerk had been appointed, and on the very day of her release an old clerk had been reinstated.

The matter was referred to the Secretary of the Interior on March 16, 1898, with the request that the Commission be advised of the facts in the case. This request was repeated on April 7 and again on April 27.

On May 14, 1898, the Commission received from the Secretary of the Interior a reference from the Commissioner of the General Land Office containing among other things the following:

On January 17, 1898, the surveyor-general of Colorado submitted for consideration and approval a list of clerks to be suspended; among them was the name of Miss Juliet Berry, copyist, and he stated that in making the selections he had taken into consideration the ability and qualification of the respective persons, and his recommendation was based upon the fact that the business in his office had been greatly reduced and there was a lack of work for these clerks to perform.

On February 1, this office approved the recommendations of the surveyor-general for the suspension of the clerks named, and on March 7 he reported that her services, together with the others named, were dispensed with at the close of business on that day, having given due notice with reasons for release.

Based upon the fact that there was not sufficient work to require the retention of the services of Miss Berry, her release, without charges, or without impairing her right to reinstatement and employment elsewhere under the civil-service rules was deemed proper. In reference to the statements of Miss Berry that a few days prior to her dismissal, a new clerk was taken on, I have to state the predecessor of the present surveyor-general had made request for certification of a clerk and a selection was made after the present surveyor-general took charge, and the clerk was duly assigned to that office. He has since reported that her services are not needed, and her suspension without pay has been approved. A further statement of Miss Berry that a clerk suspended at the same time as herself had been reinstated may be answered by stating that the case in question, that of Mrs. Smedes, having been brought to the notice of the honorable Secretary of the Interior, the order for her suspension was revoked, and she resumed her duties after a brief interval.

The Commission thereupon communicated with Miss Berry, quoting the statement of the Commissioner of the General Land Office and stating that if the understanding of the Department in the matter was correct there had been no violation of the civil-service act or rules. Miss Berry was advised, however, that if the facts were

at variance with this understanding she should communicate with the Commission and the matter of her suspension would receive further consideration. Nothing has since been heard concerning the matter.

#### **Case of Louise A. De Lan.**

A complaint of Hon. S. J. De Lan, representing Miss Louise A. De Lan, an eligible on the Colorado clerk register, charging the Commission with irregularity in a certification to fill a vacancy in the office of the surveyor-general of Colorado, was referred to the Commission by the Attorney-General on March 12, 1898, with a request that it report to him the facts in the case for the use of the President.

Before stating the facts directly connected with the certification in question and embodied in the Commission's reply to the Attorney-General under date of March 18, 1898, a brief history of Miss De Lan's connection with the service may properly be given.

On July 3, 1897, this Commission was notified by Commissioner Hermann, of the General Land Office, of the temporary appointment, for a period of ninety days, of Miss Louise A. De Lan to a position as clerk in the mineral division of the office of the surveyor-general for Colorado, her services being required, the Commissioner stated, in order to facilitate the disposal of the accumulated work then before that office.

On July 8 the Commission replied to this communication, notifying the Secretary of the Interior that it had two eligibles on the female-clerk register for the State of Colorado, and requesting to be advised whether a certification should be issued to fill the position.

To this communication the Secretary of the Interior replied on July 20, by a reference from the Commissioner of the General Land Office, under date of July 14, who stated that at the time the appointment was made it was not known that any eligibles were available for the place, and as the service was of such a temporary character and for an immediate emergency and was not paid for from public funds, but from individual deposits, the calling for a list of eligibles from which to make selection would involve a loss of time, and consequently the appointment had been reported, as requested by the surveyor-general.

Upon this statement the temporary appointment of Miss De Lan was authorized for a period of ninety days, expiring September 30, 1897.

On September 18, 1897, the Acting Commissioner of the General Land Office communicated with the Commission, inclosing a copy of a letter from the surveyor-general of Colorado, who stated that he desired to have Miss De Lan's appointment made permanent in view of the fact that the special work to which she was assigned continued to demand her services, and requested an extension of her temporary appointment until her examination papers could be reached by the Commission, with a view to certifying her name for permanent appointment, she having taken the clerk-copyist examination at Denver, Colo., in the spring of 1897.

In this request the Acting Commissioner of the General Land Office concurred, and the Commission authorized an extension of the temporary appointment.

When the papers were marked and the names of the eligibles entered on the register, the name of Miss De Lan appeared fourth on the female register, with a percentage of 83.70.

Turning to the matter about which complaint was made to the Attorney-General, the following, which is practically embodied in the Commission's reply to that officer, may be added:

On December 30, 1897, a request was received from the Department of the Interior for a certification of female eligibles from which selection might be made to fill a vacancy in the position of clerk in the surveyor-general's office at Denver, Colo. Before action could be taken upon this request the General Land Office telephoned the Commission asking that the requisition for certification be temporarily held up, and this was done. Some time between December 30, 1897, and January 8, 1898, a Mr. De Lan called at the office of the Commission and stated that his daughter was

occupying temporarily the position of clerk in the surveyor-general's office at Denver, Colo.; that he understood her name was fourth on the Colorado female register, and that one of the persons whose name was higher on the register than his daughter's did not want the position. This being an open public register, he was informed, in effect, that if one of the persons ahead of his daughter on the register should decline appointment his daughter's name would probably be reached for certification.

On January 8, 1898, a request was received from the Department of the Interior for a certificate of eligibles from which selections might be made to fill a vacancy in the position of clerk in the surveyor-general's office at Denver. This request made no reference to the Department's request of December 30, but was sent in the form of a separate and independent request and did not specify the sex of eligibles desired. On January 12, 1898, in response to this request, the following certification of names was made in accordance with the rules, being the three names highest on the Colorado register regardless of sex: Sarah A. Lees, with a percentage of 93.13; Philip Stebbins, with a percentage of 89.90; and Mabel L. Taylor, with a percentage of 89.62.

On January 18, 1898, a letter was received by the Commission from Miss Sarah A. Lees, requesting that her certification be waived at the present call made by the Commissioner of the General Land Office, and that she be certified when another call was made. Later she gave satisfactory reasons for her request. On January 20, 1898, this letter from Miss Lees was transmitted to the Department for its information in connection with the certification made by the Commission on January 12 containing Miss Lees's name. Up to this time the Commission had received no notice of any action by the Department upon that certification. Miss Lees's letter was transmitted to the Department so that it might either make its selection for appointment from the other two names on the certification or return the certification and ask for another with Miss Lees's name omitted and the next name in order substituted. On January 31, 1898, the General Land Office returned the certification of January 12 and the letter of Miss Lees and requested that another certification be issued. This request also omitted to state the sex of persons desired. Later, however, before the request was acted upon, a telephone message was received asking that certification be made of female clerk eligibles.

In the meantime—namely, on January 20, 1898—additional names of eligibles, resulting from the fall examinations, were placed upon the Colorado female register. One of these attained a rating of 84.95, and consequently her name was placed ahead of that of Miss De Lan, whose rating, as before stated, was 83.70.

On February 2, 1898, in response to the request of January 31, the following names were certified, being the three names highest on the Colorado female register, omitting the name of Miss Lees: Mabel L. Taylor, with a percentage of 89.62; Mamie M. McCallin, with a percentage of 84.95, and Hulda E. Le Fevre, with a percentage of 84.55. This certification was issued in strict accordance with the request of the Department and with the rules. From this certification the Department selected for appointment Mabel L. Taylor.

Mr. De Lan objected to the action of the Commission, claiming that the certification should have included not the three names highest on the female register on January 31, the date when the request was received, but the names of the three highest on that register between January 18 and January 20. The Commission gave this objection due consideration and adopted the following minute on February 11, 1898:

In view of the facts set forth in the papers in this case the Commission has no authority under the rules to now certify names as they stood upon the register between January 18 and 20, 1898, new names, in due course of business, having been entered upon the register on January 20, and the failure to certify the three highest between January 18 and 20 not being due to any fault of the Commission.



In its statement to the Attorney-General the Commission added:

Section 2 of the act of January 16, 1883, provides "that it shall be the duty of the Commissioners, first, to aid the President as he may request in preparing suitable rules for carrying this act into effect." Clause second, paragraph second, of the same section, provides "that all the offices, places, and employments so arranged or to be arranged in classes shall be filled by selections according to grade from among those graded highest as the result of such competitive examinations." In pursuance of these provisions the President promulgated the following provisions of Rule VIII:

"In pursuance of the provisions of section 2 of the civil-service act, whenever a vacancy occurs in any position which has been, or may hereafter be, classified under the civil-service act, and which is not an excepted position, the filling of said vacancy, unless filled through noncompetitive examination or by reinstatement, transfer, promotion, or reduction, shall be governed as follows:

"1. The appointing or nominating officer shall request certification to him of the names of eligibles for the position vacant, and the Commission shall certify to said officer from the proper register the three names at the head thereof which have not been three times certified to the Department or office in which the vacancy exists. \* \* \* That whenever the sex of those whose names are to be certified is fixed by any law, rule, or regulation, or is specified in the request for certification, the names of those of the sex so fixed or specified shall be certified, but in other cases certification shall be made without regard to sex."

An inspection of these provisions would seem to make it clear that in the matter of making certifications the Commission is without discretion. The language "the Commission shall \* \* \* the three names at the head thereof" and "whenever the sex of those whose names are to be certified is fixed by any law, rule, or regulation, or is specified in the request for certification, the names of those of the sex so fixed or specified shall be certified, but in other cases the certification shall be made without regard to sex" is specific and mandatory.

Attention is directed to the fact that on January 18, the date when the letter was received by the Commission from Miss Lees requesting that her certification be waived, the Commission had already made the certification referred to, and it was in the hands of the Department. The Commission was without authority under the rules to issue another certificate until it had received information whether the Department desired to make a selection for appointment from the remaining two names on the certification already issued, or preferred another full certification of the three names highest on the register, omitting the name of Miss Lees. In other words, the Commission was without authority to issue another certificate until the Department had acted upon the one already issued, either by making a selection therefrom or returning it with a request for a new certification.

The following are provisions of Rule VII, sections 1 and 2:

"Examination papers shall be rated on a scale of 100, and the subjects therein shall be given such relative weights as the Commission shall prescribe. After a competitor's papers have been rated he shall be duly notified of the result thereof.

"Every competitor who attains an average percentage of 70 or over shall be eligible for appointment to the position for which he was examined; and the names of eligibles shall be entered, in the order of their average percentages, on the proper register of eligibles."

In obedience to those provisions the Commission rates the papers of competitors, and from time to time in the due course of business the names of those who attain an eligible percentage are entered upon the proper registers. It is seen that the entry of new names on the Colorado female register on January 20 was regular and in accordance with the rules.

It was clearly the duty of the Commission, in response to the request of January 31, to certify the three names which were highest on the Colorado female register on January 31, and, as has been recited, this was done. The Commission has no discretion to do otherwise, and any other action would have been in violation of the rules; and of course the Commission had no jurisdiction or power to date the certificate as of any date other than that upon which it was actually issued.

It should be noted in this connection that the spirit of the civil-service laws and rules contemplates not a system whereby particular individuals are to be appointed, but a system whereby persons whose fitness has been tested shall be appointed in the Government service without regard to political or personal influence. This spirit is fully carried out by the practice of always certifying the three names highest on the register at the time a request is received, regardless of other considerations.

Attention is particularly directed to the fact that at no time while a request for a certification from the Colorado female register has been before the Commission for action has the name of Miss De Lan been among the three highest on that register. It is of course true that had the request for the particular certification waived by Miss Lees been before the Commission for action between January 18 and January

20, Miss De Lan's name would have been certified, because at that time and for that purpose it was one of the three highest on the register; but such request was not before the Commission during that period, and hence the Commission had no authority to issue a certificate during that period including Miss De Lan's name. It must be concluded, therefore, that at no time has Miss De Lan been deprived of any rights by the Commission.

As to Miss De Lan's complaint that she never had an open competitive examination with the persons whose names were certified, it need only be said that all examinations given for eligibility on this particular register are of precisely the same scope, character, and grade, and hence all competitors for eligibility on that register, whenever and wherever examined, are in open competition with each other, provided their eligibility is contemporaneous.

It should be added that the action of the Department in making no further reference to the requisition of December 30, 1897, after requesting its being held up, and then making a new and independent requisition on January 8, 1898, was a virtual abandonment and cancellation of the requisition of December 30.

So far as the records of the Commission show, no further action appears to have been taken.

### **Boise, Idaho, Office of Surveyor-General. File 258 B.**

On November 1, 1897, Mr. Joseph Perrault entered upon the discharge of the duties of surveyor-general for Idaho, and on the same day suspended from duty Paul C. Lellmann, draftsman; James H. Wickersham, stenographer; and Dave J. Cohen, J. P. Chinn, and Mrs. Alice S. Howey, transcribing clerks, for the alleged reason that the amount of work to be executed did not justify their retention. In the report made to the Commissioner of the General Land Office the same reason was given. It appeared, however, from the estimates of appropriations for the fiscal year ending June 30, 1898, that the amount of work to be executed in the surveyor-general's office did not permit of a reduction in force, and this was speedily confirmed by the action of the surveyor-general himself, who appointed a stenographer temporarily on the very same day he suspended the five employees named above, although one of these was a stenographer. Other temporary appointments for longer or shorter periods followed. In addition to this, three persons received permanent appointments as the result of certifications issued by this Commission.

The five suspended employees, through Mr. Paul C. Lellmann, appealed to the Commission, calling attention to the fact that they had been informed by both the surveyor-general and the Commissioner of the General Land Office that their suspension was not due to delinquency or misconduct on their part, but merely because of lack of work.

Request was made of the Commission for authority to permanently appoint a stenographer in the place of James H. Wickersham, suspended, and to temporarily appoint a draftsman. The Commission refused these requests, for the reason that Messrs. Wickersham and Lellmann were still suspended on the ground of lack of work. These persons were thereupon reinstated, but immediately suspended (indeed, they were not permitted to enter upon duty), a list of charges being preferred against them. The charges against Mr. Wickersham were not sustained by the Commissioner of the General Land Office, but that officer wrote Mr. Wickersham that in view of "inharmonious relations" between himself (Wickersham) and the surveyor-general he deemed it best for the service that another person should be the stenographer. Mr. Wickersham was offered the alternative of accepting a place in the General Land Office in Washington, at a reduced salary, or awaiting the occurrence of a vacancy elsewhere in the land service. On learning that his railroad fare to Washington would not be paid, Mr. Wickersham declined the proffered position in the General Land Office. He has not since been offered a position elsewhere in the service, although the proposition made to him was distinctly in the alternative, and this was as far back as May, 1898.

The charges preferred against Mr. Lellmann by Surveyor-General Perrault were, in brief, that he did not possess the qualifications of a draftsman in a surveyor-general's office, and while employed in that capacity he was more a detriment than

a benefit to the office; that he partook "of intoxicating liquors to an extent that disqualified him from rendering any efficient service;" that he executed an affidavit, at the request of the State engineer of Idaho, for the purpose of securing the non-approval of the Commissioner of the General Land Office of certain proposed contracts for the survey of public lands; and that he executed an affidavit charging a conspiracy between Surveyor-General Perrault and the draftsmen under him to "allow the working force to be reduced, so that work which should be performed at the expense of the Government would accumulate and thereby compel deputy surveyors to have the same performed at their own expense."

Upon being informed of the above action of Surveyor-General Perrault, the Commission addressed the following letter to the Secretary of the Interior:

JUNE 15, 1898.

The honorable the SECRETARY OF THE INTERIOR.

SIR: The Commission has the honor to transmit herewith for your consideration certain information furnished by Messrs. Paul C. Lellmann and James H. Wickersham, formerly employed in the office of the surveyor-general for Idaho, the first as draftsman and the second as stenographer, and in this connection invites your attention to the fact that although Surveyor-General Perrault suspended the above-named employees and three others (D. J. Cohen, Joseph P. Chinn, and Mrs. Alice Howey) over seven months ago, on the alleged ground of lack of work (which cause has been effectually disproved), these persons still remain separated from the service, while others occupy the positions to which they are properly entitled.

It is the earnest wish of the Commission to close this case, and it therefore asks you to cooperate with it in requiring Surveyor-General Perrault to obey the civil-service rules by reinstating the clerks "suspended," or, if the interests of the Department will be better subserved by giving the suspended clerks other positions in the land service, to adopt the latter course.

At present two clerks (Messrs. Bell and McCracken) occupy positions in the office of the surveyor-general which were improperly created. Against two of the clerks suspended by him (Mr. D. J. Cohen and Mrs. Alice Howey) it may be stated that Surveyor-General Perrault has at no time charged inefficiency or misconduct, or even suggested an "incompatibility of relations," and therefore there seems to be no reason why they should not be reinstated, while Bell and McCracken could be given the first vacancies arising in the land service.

Referring to the case of Mr. Lellmann, the Commission desires to state that it is its understanding that it is the custom in the offices of surveyors-general to "lay off" per diem employees before per annum employees. In the office of the surveyor-general for Idaho, Mr. Lellmann was a "regular" or per annum draftsman, while a Mr. Theodore Simons was a per diem draftsman. From the information in the possession of the Commission it therefore appears that Lellmann should have been retained, in the event of a necessary reduction of force, while Simons should have been "laid off."

Among the inclosures sent by Mr. Lellmann is a copy of charges preferred against him by Surveyor-General Perrault, and which were served upon him upon the receipt by Surveyor-General Perrault of the order of the Commissioner of the General Land Office directing Lellmann's reinstatement. This Commission has not, of course, counter evidence to disprove them, but invites attention to the fact that none of them was alleged at the time of Mr. Lellmann's "suspension for lack of work," nor was your Department informed of any other reason for Mr. Lellmann's suspension than lack of work.

Concerning the charge of inefficiency preferred against Mr. Lellmann, the Commission desires to state that it has learned from another source than Mr. Lellmann that Surveyor-General Perrault is neither a surveyor nor an engineer. It must also be borne in mind that Mr. Lellmann has never performed service under Mr. Perrault's direction. In this connection attention is invited to the testimonials of Mr. Lellmann's former employers upon the question of his efficiency. Finally, from first to last in this case, there has been on the part of Surveyor-General Perrault such a notable lack of truth and fair dealing that the Commission finds itself unable to attach weight to charges preferred by him. A copy of the charges and Mr. Lellmann's answer thereto are herewith.

Very respectfully,

JOHN R. PROCTER, *President.*

On August 8, 1898, the Commissioner of the General Land Office wrote Surveyor-General Perrault, directing him to reinstate David J. Cohen and Mrs. Alice Howey, and to reinstate Joseph P. Chinn whenever the work of the office would justify the

employment of more clerks and there were funds available. The Commission has not been informed of the reinstatement of Mrs. Howey or Mr. Chinn. Concerning Mr. Lellmann the Commissioner wrote to the surveyor-general as follows:

After a careful review of the evidence and a thorough investigation so far as it has been possible to make it, with the proof submitted and evidence obtained in this office, I am of opinion that Mr. Lellmann's services and conduct while a draftsman in the office of the surveyor-general of Idaho were not of a character to entitle him to further retention in the public service, and his suspension will be considered permanent.

The action of the Commissioner of the General Land Office in the case of Mr. Lellmann being brought to the attention of the Commission in connection with a request for the temporary appointment of a draftsman in the surveyor-general's office, such request was granted (the civil-service rules having, technically at least, been complied with by the Department), but in view of all the circumstances in the case the Commission deemed it best to direct one of its examiners to make a personal investigation of the charges against Mr. Lellmann while at Boise.

The Commission's examiner found the charge of drinking to an extent to disqualify the rendering of efficient service, etc., to be without foundation in fact. He also found the charge of inefficiency unsustained. Since these were the grounds upon which the Commissioner of the General Land Office ostensibly based his confirmation of the removal of Mr. Lellmann, the Commission, on November 29, 1898, wrote the Secretary of the Interior as follows:

It will be observed that the Commissioner of the General Land Office bases his action in confirming Mr. Lellmann's suspension upon his "services and conduct while a draftsman in the office of the surveyor-general of Idaho." The Commission will therefore only consider the two charges which relate to this period. They are, in brief, (1) drinking to an extent to disqualify the rendering of efficient service and coming to the office in a state of intoxication; (2) failing to possess the proper qualifications for a draftsman in the surveyor-general's office.

In answer to the first of these charges attention is invited to Examiner Hiller's statement. Attention is also invited to the fact that Mr. Perrault does not state that he ever saw Mr. Lellmann intoxicated; he merely states that he "is reliably informed," etc. Then, neither of the draftsmen who testify adversely to Mr. Lellmann alleges that he ever entered the office in an intoxicated condition, and one of them does not even mention the circumstance that Mr. Lellmann drank. Against the statements of Messrs. Cunningham and Forshay that Lellmann drinks to excess are the statements of former Surveyor-General Straughan (a man of high reputation in the community) and Messrs. Chinn, Cohen, and Wickersham that he does not.

Concerning the charge of inefficiency preferred against Mr. Lellmann, attention is invited to the apparent discrepancy between the charge in writing served upon Mr. Lellmann by the surveyor-general and the latter's statement to Mr. Hiller. In the charge he stated that Mr. Lellmann "might be a fair workman," etc. In this connection attention is invited to the many testimonials of Mr. Lellmann's former employers (including the Pennsylvania, Santa Fe, and Denver and Rio Grande railroads, the Suburban Rapid Transit Company of New York, and the Payette Valley Irrigation and Water Power Company of Idaho) on the question of his efficiency, and the fact that since his suspension he has been appointed State engineer of Idaho, to fill an unexpired term. When these matters are considered in connection with the facts that Mr. Perrault is neither an engineer nor draftsman; that Mr. Lellmann has never been permitted to serve a day under him; that the positions of Messrs. Forshay and Simons (the draftsmen who testify adversely to him) are rendered more desirable by Mr. Lellmann's suspension, and that no charge of inefficiency was made to Mr. Lellmann, or reported to the Land Office at the time of Lellmann's suspension, before he was put in an attitude of antagonism to the surveyor-general, it is extremely difficult to attach any weight to Mr. Perrault's charge of inefficiency. It will be remembered that Mr. Perrault charged Messrs. Wickersham and Chinn with misconduct and inefficiency, respectively, and such charges were not sustained by the Commissioner of the General Land Office.

In view of the fact that the Commissioner of the General Land Office distinctly states that his action in confirming the suspension of Mr. Lellmann is based upon such investigation as "it has been possible to make with the proof submitted and evidence obtained in this (his) office," which evidence, etc., may be meager, and in view of Examiner Hiller's findings, considered in connection with the facts before your Department and this office, this Commission requests a reconsideration of Mr. Lellmann's case in the light of the further evidence submitted.



At this time a Mr. C. H. Irwin is temporarily employed in the surveyor-general's office, in the capacity of draftsman, under the provisions of section 12 of civil-service Rule VIII. This employment received the approval of the Commission in view of the fact that Mr. Lellmann had, in connection with his second suspension, been accorded (technically) the benefit of the President's order of July 27, 1897, and the evidence in its possession was not deemed sufficient to establish the falsity of Mr. Perrault's charges. The Commission has since been informed that Mr. Irwin is 72 years of age, a civil engineer and not a draftsman by profession, and that his eyesight is so weak that he can not perform the duties of a draftsman. The Commission hopes that Mr. Lellmann may be reinstated to his old position as soon as there is need of the services of a draftsman, or (and this preferably) that he may be reinstated at once, and a per diem draftsman suspended.

Attention is invited to the fact that Messrs. Wickersham and Chinn have not been reemployed in the land service, although the Commissioner of the General Land Office did not sustain Surveyor General Perrault's charges against either of them. It will be recalled, no doubt, that Mr. Wickersham was informed that if he did not accept the position tendered him in the Department proper he must await a vacancy. This was many months ago.

On February 16, 1899, Henry Nieberding, of Utah, was selected by the Department for permanently filling the draftsman position temporarily occupied by Mr. C. H. Irwin, although the Department had repeatedly refused to appoint from the registers of eligibles residents of another State from that in which a vacancy occurred. Mr. Nieberding had passed the required examination, and his name was certified to the Department, with others. Since the appointment of Mr. Nieberding, another temporary appointment of a draftsman has been made in the surveyor-general's office. Thus, Lellmann, Wickersham, Chinn, and Mrs. Howey are still prevented from returning to positions from which they were separated without good cause and in violation of the civil service rules.

### (3) INDIAN SERVICE.

On April 13, 1891, the Secretary of the Interior, on direction of the President, issued an order classifying all physicians, superintendents, assistant superintendents, teachers, and matrons in the Indian Service, and under date of February 16, 1894, he informed the Commission that he had decided to treat assistant teachers as classified. As a result of this extension the number of employees included in the classified Indian service was 699.

In its report for the year 1894 the Board of Indian Commissioners recommended the extension of the civil-service rules to the entire Indian service, and in his report for the year 1895 a similar recommendation was made by the Secretary of the Interior. The Executive orders of March 20, 1896, and May 6, 1896, extended the classification to include all the employees in the Indian service except those whose appointments are made subject to confirmation by the Senate, and mere laborers or workmen. Indians employed in the Indian service at large, except those employed as superintendents, teachers, teachers of industries, kindergartners, and physicians, are, however, excepted from the requirements of examination or registration. The appointment of Indians to the nonexcepted positions named is subject to such tests of fitness, not disapproved by the Commission, as may be determined upon by the Secretary of the Interior.

As a result of the Presidential order of May 6, 1896, the number of employees occupying nonexcepted places was 1,896; the number occupying excepted places (Indians), 2,061; and the number occupying unclassified positions, 182; making a total of 4,139.

That the result of the application of the civil-service rules to this service has been eminently satisfactory may be seen from the following extracts:

It is a matter of congratulation that civil-service rules have recently been extended over the entire school service. This will do away thoroughly and permanently, it is hoped, with the baneful influences of patronage, concerning which I have had frequent occasion to report to you, and it will establish in every department of the work the rule of efficiency and character as the only criteria both in



appointment and in tenure.—[Report of the Superintendent of Indian Schools, 1896.]

The effect of placing the employees of the Indian schools in the classified service has been quite salutary. There is a marked increase in stability of tenure, efficiency, and real devotion to the work on the part of the service as a whole.—[Report of the Superintendent of Indian Schools, 1897.]

The whole number of appointments made to positions in the Indian service through examination and certification by the Commission is 850. Indians have been appointed as teachers and one as physician, in addition to those appointed to positions excepted from examination or registration by the rules.

Since the issuance of the Fourteenth Report, matters affecting the regularity of a number of appointments in the Indian service have been the subject of correspondence between the Department of the Interior and this Commission, but as they were not closed prior to November, 1898, their publication has been deferred until the issuance of the Sixteenth Report. The remaining instance of a violation of the civil-service rules in this service coming to the notice of the Commission is the appointment as supervisor of Indian schools, without examination, of A. O. Wright, an account of which follows.

#### **Appointment of A. O. Wright as Supervisor of Indian Schools. File 431 B.**

On August 12, 1898, the Interior Department, in a communication to the Commission, requested the approval, under paragraph 12 of civil-service Rule VIII, of the temporary appointment of A. O. Wright, of Madison, Wis., as a supervisor of Indian schools for three months at a salary of \$1,500 per annum, and on August 13 the appointment was authorized pending the establishment of a register of eligibles.

On October 19, 1898, the Commission communicated with the Department with reference to the position in question, stating that it was always understood between the Department and the Commission that such position was one which should be filled by promotion from the grade of superintendent; that the appointment of Mr. Wright was the first instance of an original appointment to the position of supervisor since its classification, and in view of the great desirability of filling this position through promotion it suggested that the previous practice be followed in this case.

The Department replied to this communication under date of October 28, 1898, stating that Mr. Wright's qualifications so eminently fitted him for the position that it had approved the application of the Indian Office for his temporary appointment thereto in view of the fact that it was understood that supervisors of Indian schools were included among the officers to be removed from the classified service by an impending order of the President. The Department further stated that, as a rule, the promotion of superintendents to supervisors was favored, but that the Indian Office specially desired the services of Mr. Wright.

On November 4, 1898, the Commission transmitted the following communication to the Interior Department:

NOVEMBER 4, 1898.

The Honorable the SECRETARY OF THE INTERIOR:

SIR: I have the honor to acknowledge the receipt of your communication of October 28 with reference to the appointment of Mr. A. O. Wright as provisional supervisor of Indian schools without examination under the civil-service rules. You state that the temporary appointment was authorized in view of the fact that it is understood that the supervisors of Indian schools are to be included among the officers removed from the classified service when such order is issued. The Commission has not recommended the exception of supervisors of Indian schools, and would be sorry if their exception were made. It is thoroughly convinced that such exception would be detrimental to the Indian service and would tend to reintroduce politics into the educational branch of that service, and would to a degree undo the good that has been accomplished by the examinations. If Mr. Wright may be appointed without examination, of course, others may be, and the places will necessarily, sooner or later, be thrown back into the number of those filled from outside of the service instead of by promotion.

The Commission entirely agrees with you in favoring the promotion of superintend

ents to supervisors, and hopes that no exception will be made to this method of appointment. It is obvious that if the superintendents are offered the premium of promotion for efficiency they will in the course of a few years of training reach a high standing of working power. Every appointment of a supervisor from the outside is a distinct discouragement of the proper ambition of superintendents for promotion and retards the development of the highest degree of capability. If the positions of supervisors are uniformly filled by promotion it will be possible to secure a higher grade of men for entrance to the lower grades of the service, and if persevered in will soon produce marked results. While it may be true that Mr. Wright is eminently qualified for the position—possibly more so than any of the superintendents—yet the appointment from the outside affords a precedent which has a distinctly damaging effect in many ways. If this appointment is allowed to stand, another head of Department under a succeeding Administration may make an appointment for less worthy reasons, and the bars being thrown down, there will be a return to the evils of the patronage system.

If the position of supervisor is filled by the promotion of a superintendent, the hope of reward for good conduct will extend not only among the superintendents but among the teachers, and encourage the best men on the outside to apply for the examinations. The best men will not enter the lower grades unless the service is to be permanent and unless it is certain that promotion will be given as a reward for the faithful and efficient performance of duty. If the positions at the top are to be kept as gifts for outsiders, patronage reasons will sooner or later enter into consideration. The theory, as understood, is to build up from the lower ranks a capable corps of workers in the Indian service, appointed without regard to their politics, and who will receive promotion by degrees as they show they deserve it.

If the position is to be filled from the outside, then it should not have been classified. To classify the position and appoint from the outside is simply to defeat the intention of the President in making the classification. The Board of Indian Commissioners, the late superintendent of Indian schools, and the Commissioner of Indian Affairs have stated that the rules should be extended to the entire school service, and the Commission earnestly hopes that no exception will be made in this instance.

Very respectfully,

JOHN R. PROCTER, *President*.

On November 30, 1898, a request was made by the Department for authority for an extension of the temporary appointment of Mr. Wright, and on December 21, 1898, the Commission wrote to the Department, requesting a reply to its communication of November 4, quoted above, in order that it might act intelligently upon the case.

It does not appear from the records of the Commission that the authority requested has been granted, or that the Department has replied to the Commission's communications of November 4 and December 21, 1898.

#### (4) OFFICE OF THE COMMISSIONER OF RAILROADS.

On December 2, 1897, the Secretary of the Interior made request of the Commission to approve, under Rule VIII paragraph 12, the temporary appointment of Alton Angier, of Georgia, as bookkeeper, at a salary of \$2,000 per annum, in the office of the Commissioner of Railroads. The reasons given by the Commissioner of Railroads, and adopted by the Secretary of the Interior, for not filling the vacancy by making a selection from the Commission's register of bookkeepers were as follows:

\* \* \* I beg to state that the registers of the Civil Service Commission do not furnish any one sufficiently well qualified, in my opinion, for the position of bookkeeper in this office.

The most appropriate register of the Civil Service Commission from which a selection could be made to fill the vacancy existing in this office is that of "bookkeeper." I learn that the examination for this position embraces a test in commercial bookkeeping only, but no test in railroad bookkeeping nor any experience with railroads. I deem a practical knowledge of railroading an important requirement for this position, and hence I respectfully ask that the Civil Service Commission be requested to hold a special examination to secure eligibles for this place; meanwhile, I respectfully beg to renew my request that Mr. Angier be accepted by you as an emergency appointment under the ninety-day rule, and that he be thus appointed by you at once, believing that he possesses the necessary qualifications to transact all the duties of bookkeeper. \* \* \*

In view of the Department's representations, the Commission approved the temporary appointment of Mr. Angier for three months, in accordance with the provision of Rule VIII mentioned above, and, pending the holding of a special examination for permanently filling the position, this temporary appointment was from time to time extended. After unusual delay, an examination embodying tests and weights satisfactory to the Department was agreed to on May 15, 1898, and such examination held on the 15th of the following month. It included practical questions in book-keeping, with a weight of 20, and experience in railroad affairs, especially with relation to keeping books, with a weight of 50. Of the 32 competitors who entered the examination 18 passed and 14 failed. Mr. Angier did not attain a sufficiently high average to permit of his name being included in the list of three eligibles of highest grade certified to the Department. This certification was made on August 27, 1898. On October 28 the certification was returned with the request that other names be certified. Response was made by the Commission to this letter on November 2, as follows:

The honorable the SECRETARY OF THE INTERIOR,  
Washington, D. C.:

SIR: I have the honor to acknowledge receipt of your letter of October 28, 1898, returning certificate No. 2245, which was issued for the position of bookkeeper in the office of the Commissioner of Railroads. The Commission has carefully read your statement in regard to this certificate, and invites your attention to the following facts:

On December 22, 1897, a request was made by the Secretary of the Interior for the appointment of a bookkeeper in the office of the Commissioner of Railroads at a salary of \$2,000 per annum, for a period of three months, or for such part thereof as would enable the Commission to provide a register of eligibles. For the reasons set forth in that communication, the Commission authorized a temporary appointment, and announced an examination for the purpose of establishing a register of eligibles.

The scope of this examination was fixed by the Commissioner of Railroads, after a conference with the chief examiner of the Civil Service Commission, and experience in railroading was given a weight of 50 per cent of the examination. The examination was duly announced in the newspapers of the country, and was held on June 15, 1898. There were 32 competitors, of whom 18 passed. The papers were immediately marked, and on August 27 certificate No. 2245, containing the names of the highest three eligibles, was submitted to the Secretary of the Interior.

Now, after a lapse of over two months, the certificate is returned to the Commission with the statement that the appointee should possess experience of greater length and variety in practical railway business and management than that shown by the papers of those certified.

The Commission can only act, in cases of this kind, as required by the civil-service rules, and in order that the Secretary of the Interior may fully understand the position in which this action has placed the Commission, your attention is invited to section 13 (formerly 12) of civil-service Rule VIII, especially to that portion which indicates that a temporary appointment shall expire by limitation as soon as an eligible shall be provided.

In this case certification was made as soon as the papers could be properly graded, and the temporary appointment of Mr. Angier should have terminated within a reasonable time after the certification was made. Civil-service Rule VIII, section 2, which is as binding upon the heads of the various Departments as upon the Civil Service Commission, requires that of the three names certified the nominating or appointing officer shall select one. The only objections which the Civil Service Commission can, under the rules, consider are those which are indicated in section 4 of civil-service Rule VIII, and unless objection on the ground of physical defect, mental unsoundness, or moral disqualification is made to persons certified, the Commission has no alternative but to insist that selection, as required by the rules, shall be made from the certificate submitted.

So far as the criticism of the Secretary of the Interior is concerned, which relates to length of experience of the persons to be appointed, the papers of the eligibles who were certified have been examined, and it is found that Mr. Mann was graded 100 per cent for experience, said experience covering a period of ten years; Mr. McDannel was given a credit of 90 per cent for experience, his experience covering a period of ten years; Mr. Williams was given a credit of 85 per cent for experience, his experience covering a period of six years. While there are other eligibles on the register who have had experience equal in length to that of these eligibles, yet they are not in reach for certification, and, under section 1, of civil-service Rule VIII, the

Commission has no authority to certify other than the three names which stand at the head of this register, which was specially prepared at the instance of the Interior Department.

It should be understood that the scholastic examination constitutes only a part of the test to be applied to eligibles. Section 3, of civil-service Rule VIII, provides for a probationary service of six months, during which time the conduct and capacity of the appointee are to be tested, and if at any time during this probationary period the conduct or capacity of the appointee is found to be unsatisfactory, he shall be notified by the appointing officer that he will not receive absolute appointment because of such unsatisfactory conduct or want of capacity, and such notification shall discharge him from the service.

The certificate and the papers are therefore returned to the Secretary of the Interior, with the request that selection be made in accordance with the requirements of the rules; and so far as the temporary appointment is concerned, the Commission will say that it can not approve this appointment.

By direction of the Commission.

JOHN R. PROCTER, *President*.

On November 28, 1898, the Secretary of the Interior wrote the Commission that it was proposed to fill the existing vacancy by the promotion of a Mr. Herman Schreiner to the position and asking to be advised whether such promotion would be conformable to the civil-service rules. Mr. Schreiner was at the time a clerk of Class 2 in the office of the Commissioner of Railroads, having been transferred thereto from a clerkship of Class E in the War Department about a year before. The Commission was not informed whether Mr. Schreiner was familiar with the keeping of books or had ever had any experience in a railroad office, matters declared by the Department to be essential to the proper filling of the position. On December 2, 1898, the Commission wrote the Department, in response to its letter of November 28, that it was without authority, under the civil-service rules, to approve the promotion of Mr. Schreiner, except after passing the examination prepared for the position at the request of the Department, since Rule XI required that "no promotion of a person shall be made, except upon examination provided by the Commission, from one class to another class, or from one grade to another grade, if for original entrance to said class or grade to which promotion is proposed there is required by these rules an examination involving essential tests different from or higher than those involved in the examination required for original entrance to the class or grade from which promotion is proposed."

No response was received to this letter, but in the report of changes in the personnel of the Interior Department for the month of January, required by law to be furnished the Commission, an entry appeared of the promotion of Herman Schreiner from clerk at \$1,400 per annum in the office of the Commissioner of Railroads to bookkeeper at \$2,000 per annum in the same office. The promotion had been made, without the required examination, on January 14, and at the time the Commission received notification of the matter (February 10) Mr. Schreiner had occupied the position of bookkeeper nearly a month.

On March 8, 1899, the Commission laid the facts in the case before the Auditor for the Interior Department, with a request that any payment of salary to Mr. Schreiner as bookkeeper in the office of the Commissioner of Railroads be not approved, in view of the fact that section 6 of the civil-service act requires that "no person shall be employed to enter or be promoted" in the classified civil service "until he has passed an examination, or is shown to be specially exempted from such examination" in conformity with the act.

On May 1, 1899, the Auditor for the Interior Department wrote to the Commission as follows:

This is to advise you that since the date of my letter of the 26th ultimo, replying to your letters of March 6 and April 25 with respect to the promotion of Herman Schreiner to the position of bookkeeper in the office of the Commissioner of Railroads, there has been received and adjusted in this office the account of the disbursing clerk of the Interior Department for the quarter ending March 31, 1899, under appropriation, "Salaries, Railroad Office, 1899," wherein credit has been allowed him for salary paid to said Herman Schreiner at \$2,000 per annum, as such bookkeeper, from January 16, to March 31, 1899.

The action of this office in this connection is based upon the statement of the Secretary of the Interior that the appointment of Mr. Schreiner as bookkeeper seemed "both proper and legal," and the statement of the Commissioner of Railroads, that in the judgment of his office, under civil-service Rule XI, Mr. Schreiner "was and is eligible for promotion to the bookkeeper's position."

The records of the Commission show that Mr. Schreiner is still occupying the position of bookkeeper.

#### IV. THE WAR DEPARTMENT.

##### Case of James J. O'Keane. File 418 B.

James J. O'Keane, whose name was borne on the departmental clerk register until November 30, 1898, wrote to the Commission on September 15, 1898, complaining that an injustice was done him in that certain persons who had not taken examination had been given clerkships in the Quartermaster's Department at Vancouver Barracks, Washington, and in the Surveyor-General's Office.

Upon investigation of the complaint Mr. O'Keane was informed that the appointment in the office of the surveyor-general at Olympia was made by reinstatement under the provisions of Rule IX. The appointments to Government clerkships in the garrison at Vancouver were temporary appointments made under the war emergency in accordance with that part of the act of June 13, 1898, making appropriations to supply deficiencies in the appropriation on account of war expenses.

Under this head it may be added that the War Department reported on August 24, 1898, that "In a number of cases during the emergency created by the present war, temporary appointments have been made by additional clerks to additional paymasters, who were commissioned for service during the war."

See "Appointments without examination under the exigency of the war with Spain," elsewhere in this volume.

#### EFFECT OF THE APPLICATION OF THE CIVIL-SERVICE RULES TO THE ENGINEER DEPARTMENT AT LARGE.

[Extract from testimony of Lieut. Col. Alexander Mackenzie, U. S. A., before Senate Committee on Civil Service and Retrenchment, second session, Fifty-fifth Congress, January 24, 1898. See Report No. 659, second session, Fifty-fifth Congress, pp. 608, 612.]

While the issuance of the President's order of May 6, 1896, was under consideration, I gave attention, at the request of the Chief of Engineers, to the probable effect of extending the classified civil service to the Engineer Department at large. In a memorandum submitted, while expressing most emphatically my firm belief in the principles of civil service, I called attention to certain restrictions of the law which I feared would result in embarrassment to the important works being carried on under the direction of the Chief of Engineers. Later experience has shown me that such fears were to a large extent imaginary and resulted mainly from a misunderstanding of the law.

When the President's order was promulgated, Capt. George W. Goethals, Corps of Engineers, and myself were detailed by the Secretary of War for consultation with the Civil Service Commission, with a view to formulating a system and special regulations for applying the civil-service law to the Engineer Department at large. Many difficulties were at first experienced, but such have been to a large extent overcome by the wisdom of the Commission and its earnest desire to make civil service a benefit to our work.



The general system under which civil service is applied to the Engineer Department at large is given in Circular 13, issued by the Chief of Engineers, August 10, 1897, copy herewith. This system is of course not perfect, and as experience is gained modifications will undoubtedly be found necessary and desirable; but it appears to me comparatively simple, and, in my opinion, preferable to the method of appointment in effect previous to the application of civil service. From the circular of the Chief of Engineers above mentioned I quote as follows:

Under the system now agreed upon it is believed that no difficulty will be experienced by officers or agents in securing the best and most suitable employees, and that so soon as the present regulations are fully understood the benefits of the application of the civil-service law and rules to the Engineer Department at large will be fully acknowledged.

There are a few officers of the Corps of Engineers whose unfavorable impressions of the civil-service law, formed in advance of a full knowledge of its requirements, have not been changed by experience, but correspondence with officers leads me to believe that the large majority prefer a competitive merit system of securing employees, rather than one in which personal opinions or wishes are to control.

## V. THE DEPARTMENT OF JUSTICE.

[Continuation of statement at pp. 374-389, Fourteenth Report.]

On November 3, 1896, the Acting Attorney-General, in accordance with the direction of the President, approved a schedule of positions under the Department of Justice which he held to be included within the provisions of the revision of the civil-service rules of May 6, 1896. In this schedule were included the positions of examiners, assistant district attorneys, office deputy marshals, clerks to district attorneys, and guards in the United States Penitentiary at Fort Leavenworth, Kans. Correspondence between the Department of Justice and the Commission followed concerning examinations for original entrance to these positions, and in which the Commission stated its ability to make certifications for appointment from existing registers of eligibles, and to provide registers for such classes of positions for which special qualifications were desired. This correspondence is given at pp. 375, 376 of the Fourteenth Report. Office deputy marshals who wrote to the Department concerning their status in the Government service were informed that their positions were classified under the civil service act.

Appointments and removals without regard to the provisions of the civil-service act and rules continued to be made for months after the Commission was furnished with a list of the occupants of positions. The Commission was not informed of this, however, no monthly reports of changes in the personnel of the service being furnished, in accordance with the civil-service Rule XII, until February 20, 1897. The Commission also labored at this time under the difficulty of a great increase in its work consequent upon large additions made to the classified civil service, and some delay on this account was unavoidable.

The first complaint of removal from one of the newly classified positions reached the Commission on April 14, 1897, and was brought to the attention of the Attorney-General the same day. The Attorney-General, in a letter dated May 7, 1897, replied that examinations for filling the positions of office deputy marshal, clerk to district attorney, etc., had not been agreed upon, and that in view of the fact that since November, 1896, appointments and removals had been made in marshal's offices, and reported to the Commission, to which no objection had been made, it had been assumed that the practice was satisfactory.

On June 7, 1897, the Comptroller of the Treasury rendered an opinion that the terms of employment of office deputy marshals expired with that of the marshal who appointed them, except in case of the death of the marshal or his removal from office.

Since removals were now following each other in rapid succession, and the resulting vacancies being filled without regard to the civil-service act or rules, the Commission wrote to the Attorney-General, calling attention to the fact that while, under the opinion of the Comptroller, removals of subordinates from office could be made by marshals newly appointed without violating any statute, section 7 of the civil-service act expressly declared—

That after the expiration of six months from the passage of this act no officer or clerk shall be appointed and *no person shall be employed to enter or be promoted in either of the said classes now existing or that may be arranged hereunder pursuant to said rules until he has passed an examination, or is shown to be specifically exempted from such examination, in conformity herewith.* \* \* \*

Attention was also invited to paragraph 2 of section 2 of the same act, which states:

Second. That all of the offices, places, and employments so arranged *or to be arranged* in classes shall be filled by selection according to grade from among those graded highest as the results of such competitive examinations.

No response was received to the Commission's letter of July 9, 1897, nor to subsequent letters calling attention to removals from positions under the Department of Justice and the filling of the resulting vacancies without regard to the civil-service act and rules. The monthly report of changes in the service contained long lists of such removals and appointments throughout the entire service under the Department of Justice.

On January 24, 1898, the Commission wrote to the Secretary of the Treasury calling attention to the fact that in an opinion of the Comptroller of the Treasury, rendered July 25, 1896, that officer stated that, in the absence of specific information to the contrary, the accounting officers of the Government assume that persons duly appointed to offices or positions by the heads of the various Departments or others, have been so appointed in accordance with the civil-service law and regulations, and with the letter submitted a list of all of the appointments made in the Department of Justice without regard to the provisions of the civil-service act and rules, as "specific information to the contrary." On March 7, 1898, the Secretary of the Treasury wrote the Commission that his Department had referred the Commission's letters and lists to the Attorney-General for such recommendation as that officer might deem proper to make in the premises. The Commission knows of no action being taken by the Department of Justice as the result of this reference.

Several of the office deputy marshals tested the legality of their removal in the courts, but, with one exception, the courts held that the civil-service act contained no provision forbidding removal for partisan reasons, and that the civil-service rule (Rule II) embodying such a provision was merely a mandate of the President, compliance with which on the part of his subordinates he alone could enforce. The contrary decision was later overruled upon appeal to a higher court. Synopses of the various complaints of removal appear in the Fourteenth Report, together with abstracts of the decisions rendered in the various courts in which actions to enjoin removal were brought.

Removals continued until, with a few exceptions, every office deputy marshal and every clerk in the office of a United States district attorney in office at the time of the classification under the civil-service rules of May 6, 1896, was separated therefrom. As before stated, the resulting vacancies were filled without regard to the civil-service act and rules. One appointment of an examiner was also made on July 1, 1897, in the Department proper at Washington without regard to the provisions of such act and rules.

No action seeming to have been taken upon the reference by the Secretary of the

Treasury of the Commission's letter to the Attorney-General, the Commission, on November 23, 1898, addressed the following letter to the Comptroller of the Treasury:

SIR: Under date of July 25, 1896, the Comptroller of the Treasury decided that the accounting officers of the Government would treat all appointments to offices or positions made by the heads of the various Departments or others as in accordance with the civil-service law and regulations in the absence of specific information to the contrary, and allow credit for compensation paid to such persons.

In view of this decision, the Commission invites attention to the inclosed list of persons appointed to or employed in classified nonexcepted places in the civil service under the Department of Justice in contravention of sections 2 and 7 of the civil-service act and of the rules drawn in pursuance of the express provisions of that act. These names and the information accompanying are taken from the monthly reports of changes in the service of the Department of Justice furnished this Commission by that Department in accordance with the provisions of section 2 of civil-service Rule XII, and appear under the heading of "*Classified-service appointments.*"

By rules promulgated by the President on May 6, 1896, "in the exercise of power vested in him by the Constitution and of authority given to him by the seventeen hundred and fifty-third section of the Revised Statutes, and by an act to regulate and improve the civil service of the United States, approved January 16, 1883," the positions of assistant United States district attorneys, examiners in the Department of Justice, clerks to the United States district attorneys, office deputy marshals, and guards in the United States Penitentiary at Fort Leavenworth, Kans., were included in the classified civil service (and all but the first named made subject to competitive examination) by the provisions of clause (b) of section 2 of Rule III, which clause includes—

"All executive officers and employees outside of the District of Columbia not covered in (a), of whatever designation, except persons merely employed as laborers or workmen, and persons whose appointments are subject to confirmation by the Senate, whether compensated by a fixed salary or otherwise.

"Who are serving in a clerical capacity, or whose duties are in whole or in part of a clerical nature.

"Who are employed in the Department of Justice under the annual appropriation for the investigation of official acts, records, and accounts of officers of the courts, and all officers and employees in the penitentiary service who are by law subject to classification."

The positions enumerated supra were also reported to this Commission by the Department of Justice in a letter signed by the Acting Attorney-General, as included within the classified service, and the names, compensation, etc., of the occupants of such positions were later furnished. In the monthly report of changes in the service of the Department they have invariably been designated as positions in the classified civil service.

Section 7 of the civil-service act provides:

"That after the expiration of six months from the passage of this act no officer or clerk shall be appointed, and no person shall be employed to enter or be promoted in either of the said classes now existing, or that may be arranged hereunder pursuant to said rules, until he has passed an examination, or is shown to be specially exempted from such examination in conformity herewith." \* \* \*

In section 2 of the civil-service act it is expressly provided that the civil-service rules shall include the following requirements:

"Second, that all the offices, places, and employments so arranged or to be arranged in classes shall be filled by selections according to grade from among those graded highest as the results of such competitive examinations."

The order of classification made by the Attorney-General, on direction of the President, June 9, 1896, provides as follows:

"It is also ordered that no person shall be admitted into any place not excepted from examination by the civil-service rules, in any of the classes above designated, until he shall have passed an appropriate examination prepared by the United States Civil Service Commission and his eligibility has been certified to this Department by said Commission."

In pursuance of this paragraph, civil-service Rule VIII has been drawn (see pp. 119-120, Fourteenth Report), which requires that nominating or appointing officers shall request of this Commission certification of the names of eligibles from the proper register, when it is desired to fill a vacancy in any classified position or employment in any other manner than by reinstatement, transfer, promotion, or reduction. By section 12 of the above rule, provision was made for the temporary filling of positions or employments for which registers of eligibles had been established. Such section is, in part, as follows:

"12. Whenever there are no names of eligibles upon a register for any grade in

which a vacancy exists, and the public interest requires that it must be filled before eligibles can be provided by the Commission, such vacancy may, subject to the approval of the Commission, be filled by appointment without examination and certification for such part of three months as will enable the Commission to provide eligibles. Such temporary appointments shall expire by limitation as soon as an eligible shall be provided, and no person shall serve longer than three months in any one year under such temporary appointment or appointments, unless by special authority of the Commission previously obtained. Said year limitation shall commence from the date of such first appointment."

The above provision concerning temporary appointments or employments was incorporated in the present civil-service rules to meet the needs of newly classified branches of the Government service pending the establishment of registers of eligibles. It was also rendered necessary by sections 2 and 7 of the civil-service act, which forbid the filling of vacancies occurring in portions of the service made subject to the rules drawn in pursuance of the civil-service act in any other manner than in accordance with such rules. Temporary appointments may be renewed from time to time, by "authority of the Commission previously obtained," until a register of eligibles is established. The temporary appointees may enter the examinations for regular appointment upon the same terms as other competitors.

It has not been denied by the Department of Justice that the positions or employments of office deputy marshals, clerks to United States district attorneys, etc., mentioned herein were embraced within the classified civil service by the rules of May 6, 1896, and it seems to the Commission that, in the matter of appointments and employments, sections 1 and 12 of civil-service Rule VIII, being drawn in pursuance of the express provisions of the act and for its effectual operation, have the same legal force as the act itself. In an opinion of August 29, 1893, the Attorney-General said: "The civil service law, January 16, 1883, chapter 27, provides substantially that the rules promulgated by the President for carrying it into effect shall have the force of law." (See Opinions Attorney-General, Vol. XX, p. 649. See also opinion of August 1, 1885, Vol. XVIII, p. 245, and opinion of August 10, 1896, Vol. XXI, p. 393.)

No requests have been received from the Attorney-General for certifications for appointment to the positions here mentioned, although the Commission has been prepared at all times to make such certifications, or, in the event that its registers did not contain the names of persons with qualifications deemed essential or desirable, to hold special examinations for the purpose of obtaining such eligibles, the Department in the meantime to make temporary appointments, provision for which, as stated supra, is made in Rule VIII of the civil-service rules.

In view of the fact that the positions or employments here mentioned may not be offices in the constitutional sense, attention is invited to the fact that the President is empowered to include in the classified civil service those holding places or employments in the public service. (See sections 2 and 7, civil-service act.)

Since from the language of the decision of the Comptroller of July 25, 1896, it appears that with specific information that appointments to offices have not been made by the heads of the various Departments, etc., in accordance with the civil-service law and regulations, the accounting officers of the Government will not allow credit for compensation to the occupants of such positions, this Commission, (which is specially charged with the duty of seeing that the civil-service act and rules are observed) submits such specific information, and requests your early consideration.

The Comptroller of the Treasury made response, in a letter dated December 7, 1898, a portion of which is as follows:

The decision of Comptroller Bowler, of date July 25, 1896, referred to by you, is found in 3 Comptroller's Decisions, 53, and is in reply to a letter from Major Hanbury, Corps of Engineers, transmitted through the Secretary of War, wherein it was asked what character and form of evidence, if any, would be required from disbursing officers in the settlement of their accounts, to show that the requirements of Circular No. 8, Office of Chief of Engineers, U. S. A., of June 29, 1896, promulgating certain rules relating to appointments in the classified service under the civil-service law, had been complied with. The Comptroller answered the question, or assumed to, so propounded, as follows:

"In reply thereto I would say that compliance with the civil service law has been treated by the accounting officers as one relating specifically to the various administrative Departments, and that they have assumed that persons duly appointed to office or positions by the heads of the various departments or others have been so appointed in accordance with the provisions of the civil-service law and regulations, and in the absence of specified information to the contrary they will treat all such appointments as having been so made, and allow credit for compensation paid to such persons."

*The Comptroller has such jurisdiction only as is given him by statute, and I can*



not find where the statute gives him jurisdiction to render a decision upon any question now before me which could possibly be predicated upon the facts in your letter.

Under section 8 of the act of July 31, 1894, popularly known as the "Dockery Act," jurisdiction has been conferred upon the Comptroller to revise a settled account within a year upon the request of the person in whose favor the account has been settled, the head of the Executive Department, or of the board, commission, or establishment not under the jurisdiction of any Executive Department, to which the account pertains, or on his own motion; also, to render decisions upon any question involving a payment to be made by them or under them to disbursing officers, or the head of any Executive Department or any establishment not under any of the Executive Departments; also, it is the duty of the several auditors when their decisions make an original construction or modify an existing construction of a statute, to forthwith report the same to the Comptroller, who shall approve, disapprove, or modify such decisions and certify his action to the auditor.

If the Comptroller has jurisdiction to render a decision in any other matter than these herein above recited, it has escaped my observation, and I do not think it can or will be seriously contended that the facts of your letter fall within any of the provisions herein above recited giving the Comptroller jurisdiction to render a decision.

Your letter does not refer to the revision of a settled account, but rather refers to how a class of unsettled accounts should be settled. It is not a request by a disbursing officer or the head of an Executive Department, or other establishment not under any Executive Department, for a decision upon a question involving a payment to be made by or under them; nor is it a decision by an Auditor making a construction of a statute; but amounts to a reminder to the Comptroller that his predecessor in office made, by inference from the language used, a holding that the accounting officers would not allow credit for compensation paid to a person in the classified service when it was shown to them that the head of the Department had so appointed him in violation of the civil-service law, accompanied by a statement of the civil-service laws and executive orders and regulations made thereunder, and a statement showing how the head of the Department of Justice had ignored these laws and executive orders, and appointed the persons named in the exhibit in disregard thereof.

When the Comptroller of the Treasury has jurisdiction, his decisions are binding upon the executive branches of the Government, and in case of advance decisions he is authorized to render upon questions involving a payment to be made by a disbursing officer or the head of an Executive Department or other establishment not under any of the Executive Departments, decisions which when rendered govern the Auditor when passing upon the account containing such disbursement about which the decision was given, and the Comptroller as well. It is not to be forgotten that he can only render these advance decisions to disbursing officers, heads of Executive Departments, when the decision sought relates to a payment to be made by them or under them. If your letter were addressed to me by the head of the Department of Justice, a different question would be presented, and in order to determine my jurisdiction I would only have to be satisfied that it raised a question involving a payment to be made by or under that Department. The payment of the compensation or salary of neither of the officers or employees under the Department of Justice set out in your exhibit can possibly be a payment to be made by or under your Commission.

Any decision I might attempt to make in answer to your communication would be of an academic rather than of a judicial nature. It would neither conclude the Auditor, the executive branches of the Government, nor the Comptroller himself, because of my entire want of jurisdiction to render any decision whatever. If the question is presented in a way to give me jurisdiction, I shall, while realizing the importance of the decision, determine in the case so presented according to the light I then shall have, remembering that I have no quo warranto jurisdiction to determine the conflicting titles to an office.

I deem it imprudent, if not improper, at this time and under the facts of your letter, to express any opinion upon the question I assume you desire an expression of opinion upon, viz: Would an officer or employee in the classified service, appointed by the head of a Department without examination or certification under civil-service rules, when such examination and certification are required by law, be entitled to the allowance of his salary or compensation by the accounting officers of the Government?

Upon receipt of the above letter, the Commission, on December 12, 1898, wrote the Comptroller as follows:

SIR: This Commission is in receipt of your communication of December 7, in which you state that you deem it imprudent, if not improper, at this time and under the facts stated in the letter of the Commission to you of the 23d ultimo, to express any



opinion upon the question you assume the Commission desires an expression of opinion upon, viz: Would an officer or employee in the classified service appointed by the head of a department without examination or certification under the civil-service rules, when such examination and certification are required by law, be entitled to the allowance of his salary or compensation by the accounting officers of the Government? You further say that any decision you might attempt to make in answer to the Commission's inquiry would be of an academic rather than of a judicial nature.

You state, however, that under section 8 of the act of July 31, 1894, jurisdiction has been conferred upon the Comptroller to revise a settled account within a year, on his own motion. In its letter to you the Commission pointed out that a large number of persons had been appointed by the head of a department without examination or certification, as required by law, and were not entitled to the allowance of salary or compensation by the accounting officers of the Government. It is hoped that you may of your own motion refuse credit in cases at least occurring within the year limit mentioned in the act.

A state of anarchy in these appointments obtains at the present time, involving the honor of the administration of the civil-service act. With the information given you by the Commission, which is capable of easy verification in case of the slightest doubt concerning the facts, can you not take official cognizance of the matter? Section 2, clause 1, of the civil-service act makes it the duty of all officers of the United States in the departments and offices to which the civil-service rules, may relate to aid in all proper ways in carrying such rules and any modification thereof into effect. As an officer whose duty it is to support the law, and especially with relation to the expenditure of the public funds, the Commission trusts that you will take official notice that the persons referred to are appointed in violation of law and are not entitled to salary.

No response was received to this letter, but on April 1, 1899, the Comptroller of the Treasury rendered the following decision concerning the payment of an account for services rendered by an office deputy marshal who had been appointed on May 1, 1897, without examination and certification under the civil-service rules:

Mr. J. P. GRADY,

*United States Marshal, South McAlester, Ind. T.*

SIR: Your letter of inquiry bearing date of January 28, 1899, came to my attention on the same day. Because of kindred questions pending I have delayed answering your inquiry until now; and for the further reason that your accounts were not being held up, in so far as I am informed, because you did not select your office or field deputies from a list prepared by the Civil Service Commission.

You ask whether you are authorized to pay the inclosed account presented to you by your chief office deputy, Frank S. Genung, for services rendered on January 10, 1899, amounting to \$1.35, being the aggregate of expenses of said deputy in serving a warrant of arrest. You further state that said office deputy was appointed by you on May 1, 1897, but that you did not select his name from a list prepared by the Civil Service Commission.

The employment of office deputy marshals is provided for in clause 1, section 10, of an act approved May 28, 1896 (Suppl. Revised Statutes, vol. 2, p. 483), which reads:

"That when, in the opinion of the Attorney-General, the public interest requires it, he may, on the recommendation of the marshal, which recommendation shall state the facts as distinguished from conclusions, showing necessity for the same, allow the marshals to employ necessary office deputies and clerical assistance, upon salaries to be fixed by the Attorney-General from time to time, and paid as hereinafter provided."

Office deputy marshals are now designated as in the classified civil service of the United States by executive order of the President. (See Executive Order, Civil Service of the United States, 1896, p. 291.)

Under the act to regulate and improve the civil service of the United States, January 16, 1883 (22 Stat., p. 403), known as the Pendleton Act, the President is empowered to designate those who may be included in the classified civil service, and is not limited to officers of the United States in the constitutional sense of the word "officer." He may include by executive order those places which are merely employments and places, as distinguished from offices.

In my judgment, an office deputy marshal is authorized to be employed by section 10 of the act *supra* by the marshal, and is not appointed by the head of any Department, and hence is not an officer of the Government in the constitutional sense of that word.

It was so held in *Taylor v. Kercheval* (82 Fed. Rep., 497). The contrary was held in *Priddie v. Thompson* (id., 108), wherein it was insisted that the Attorney-General *in fact* makes the appointment, the marshal simply recommending for appointment.

The reasoning, however, in the latter case is not such as to carry with it much weight, and the entire decision is out of line with numerous other decisions of the Federal courts.

Be this as it may, the Executive order placing office deputy marshals in the classified civil list is not a statute, nor has it the force of law. It is a regulation made under the law, and a proper subject of enforcement by Executive authority.

It was held in the case *supra*, for reasons which seem to be conclusive, that if the marshal sees fit to disregard these orders and remove such office deputies he is only exercising a legal right incident to the power of appointment, and is responsible for such conduct solely to the Executive.

Conceding, however, for the purposes of your question, that office deputy marshals are by Executive order and through the action of the Attorney-General, the head of the Department of Justice, in the classified list of the civil service, and that such deputies are appointed by the Attorney-General, instead of being employed by the marshal and subject to removal at his pleasure, that this particular deputy was appointed by the Attorney-General, instead of by yourself, in violation of such Executive order in this, that his name was not selected by the Attorney-General from a list of three eligibles furnished him on request by the Civil Service Commission, it would then present to me not a question of the violation of any law in the selection of such office deputy, but a disregard in the method of his selection of a rule of the Civil Service Commission, and of the Executive order placing such position or employment in the classified service.

This violation or disregard, as before said, is not of the law, but of an Executive regulation, and by the agent of the Executive, who is alone responsible to the Executive for such action.

The head of an Executive department is simply the instrument, the hand of the Chief Executive. The power which makes the rule or regulation can waive its enforcement as certainly as the power which appoints an officer can remove such officer at its pleasure, unless prohibited by the law itself.

The Chief Executive promulgates an order placing office deputy marshals in the classified civil service. The Attorney-General in his Department classifies his official force and those under him, and places office deputy marshals in such classified force, and then appoints a person as office deputy marshal in disregard of those rules and regulations.

Shall I presume on these facts that for good and sufficient reasons he, as the direct agent of the President, waived the rules and regulations, as the President undoubtedly has the right to do, or, on the contrary, that he has violated the law, when there was no law, but simply rules and regulations?

It seems to me that my duty in the premises is plain, and that I will not err if I hold that so long as the President recognizes the act of his agent he alone has the power to discipline and enforce; that I shall make no mistake if I treat as valid appointments to place or office those certified to such appointments or places by those having the appointing power. It is not to be understood that it is intended to be held that the mere certification of an appointment to place or office by the head of a Department or other appointing power is sufficient evidence upon which the salary or other pay of such officer or person is to be paid. If the head of a Department, or even the President himself, should attempt to appoint a person to an office or place not provided for by law, or where no salary or compensation is fixed by law, the accounting officers of the Treasury would not be justified in allowing to such pretended officer his salary as such or other emoluments of office.

The unlawful appointment to place or office is quite a different thing from the disregard of rules and regulations made to govern the selection or appointment to place or office by those who made those rules and regulations, and are chargeable with their enforcement, and who may at their pleasure disregard them.

It is sufficient for the purposes of your question to hold, and I do hold, that I will not go back of the certificate of appointment by the head of a Department or appointing power, where no direct law has been violated, and attempt to ascertain whether such officer in making such appointment has disregarded some rule or regulation of the Civil Service Commission or some rule or regulation of his own regarding the classified service.

In the one instance, if he violates the rules of the Commission, being by approval the rules of the President, he is responsible to the President, who is entirely competent and has full authority to enforce in his own way and manner those rules; and in the other he is violating his own rules, or, rather, waiving their enforcement, which is no concern of mine or any other accounting officer.

In my judgment, it would be a perversion of justice to make innocent disbursing officers the victims of the violation of the civil-service rules by those charged with their execution and enforcement, and my office an engine of oppression and wrong against the innocent, if I should hold that a disbursing officer is not entitled to credit for disbursements made by him to officers whom he constantly sees performing the duties of their offices to the acceptance of their superiors and the heads of the

several Departments who made the appointments, because such heads of Departments in their appointments did not enforce certain rules and regulations in their selections.

If this ruling has a tendency to muddy the stream of civil-service reform, which should always flow pure and clean from its fountain throughout its course, I can only answer that it would be as futile for me to attempt with my limited jurisdiction to purify this stream as it would to bail the ocean of its waters with a pint cup.

I would only succeed in making the innocent suffer. I prefer to let the responsibility rest where it rightfully belongs, and follow the precedent of years in my office, to recognize the certificate of appointment of the head of a Department or other appointing power to office or place, where such appointment is not in violation of law or without authority of law.

You are authorized to pay such deputy if his account in all other respects is correct.

Respectfully, yours,

R. J. TRACEWELL, *Comptroller*.

In view of the importance of this decision, if followed generally by appointing officers throughout the classified civil service of the Government, the Commission, on June 23, 1899, addressed the following letter to the Secretary of the Treasury:

The honorable the SECRETARY OF THE TREASURY,  
*Washington, D. C.*

SIR: The Commission has the honor to acknowledge the receipt of a copy of the decision of the Comptroller of the Treasury under date of April 1, 1899, holding in brief that the appointment of an office deputy marshal without compliance with the provisions of the civil-service act was not a violation of law.

The Commission begs to briefly call your attention to this decision, not in its bearing upon the status of the positions of deputy marshals or of any particular position, but in so far as it affects the entire classified service.

Section 2 of what is known as the "civil-service act" provides:

"That it shall be the duty of said Commissioners—

"First. To aid the President, as he may request, in preparing suitable rules for carrying this act into effect, and when said rules shall have been promulgated it shall be the duty of all officers of the United States in the Departments and offices to which any such rules may relate to aid in all proper ways in carrying said rules and any modifications thereof into effect.

"Second. And, among other things, said rules shall provide and declare, as nearly as the conditions of good administration will warrant, as follows:

"First, for open competitive examinations for testing the fitness of applicants for the public service now classified or to be classified hereunder. Such examinations shall be practical in their character, and so far as may be shall relate to those matters which will fairly test the relative capacity and fitness of the persons examined to discharge the duties of the service into which they seek to be appointed.

"Second, that all the offices, places, and employments so arranged or to be arranged in classes shall be filled by selections according to grade from among those graded highest as the result of such competitive examinations."

Again, section 6, paragraph 3, of the same act provides:

"That from time to time said Secretary, the Postmaster-General, and each of the heads of Departments mentioned in the one hundred and fifty-eighth section of the Revised Statutes, and each head of an office shall, on the direction of the President, and for facilitating the execution of this act, respectively revise any then-existing classification or arrangement of those in their respective departments and offices, and shall, for the purposes of the examination herein provided for, include in one or more of such classes, so far as practicable, subordinate places, clerks, and officers in the public service pertaining to their respective Departments not before classified for examination."

The act immediately goes on to declare in section 7:

"That after the expiration of six months from the passage of this act no officer or clerk shall be appointed, and no person shall be employed to enter or be promoted in either of the said classes now existing or that may be arranged hereunder pursuant to said rules until he has passed an examination, or is shown to be specially exempted from such examination in conformity herewith."

It will be seen that the provision quoted from section 2 of the act prescribes in mandatory terms the manner in which appointments to the classified service shall be made, and that the provision quoted from section 7 expressly prohibits the making of such appointments in any other manner.

It would seem hardly necessary to point out that no part of these provisions is the language of the President used in any rule, regulation, instruction, or order, or *that these are not the words of any executive officer*. These provisions are clearly

the language of Congress declaring that (1) certain things shall be done, (2) how they shall be done, and (3) enjoining the various officers of the Government to render the proper aid in doing these things and in the manner prescribed. Surely it can not be seriously contended by anyone, much less a lawyer, that these provisions are not law and of legal force and binding effect. If not, then it must be concluded that no enactment of the legislative branch of the Government is law.

It seems necessarily to follow that the appointment of a person to a position in the classified service by any other means or method than as prescribed in the provisions quoted is an absolutely unlawful act on the part of the appointing officer, because it is not only contrary to the provisions of law, but because such appointment is prohibited in express terms of the law. Such action of the appointing officer is, then, void. The person thus appointed occupies a position not only without authority of law, but against the express prohibition of the law, and consequently the occupant has no right to any emolument or compensation accruing by reason of unlawful, void, and prohibited acts on the part not only of the appointing officer, but also of the appointee himself.

In view of the foregoing, it must be assumed that so long as a position, once regularly brought into the classified service, is not excepted or removed from the requirements of classification, the Comptroller does not and could not intend to hold that appointment to such position can legally be made except in the manner prescribed by the provisions of the civil-service law above quoted, and that a person appointed in any other manner to such position is entitled to compensation arising from such appointment.

While the Commission is not quite clear as to the Comptroller's line of argument, from a careful analysis of his letter to the marshal, and a separation of what may be taken as his points of argument from expressions of sentiments not pertinent to the question before him, the skeleton of the reasoning upon which he seems to hinge his decision may, most fairly and favorably to him, be stated somewhat as follows: (1) The President is authorized by law to direct the classification of a position; (2) this authority implies authority to direct that the classification of such position be revoked or "waived," or he is also authorized by the same law to at any time except such position from fundamental requirements of the act as to positions in the classified service (or to "waive" such requirements), provided, in his discretion, such exception (or "waiving") is necessary; (3) in obedience to the direction of the President the proper officer classifies such position; (4) afterwards, in making an appointment to such a position contrary to the provisions of the law prescribing the manner of appointment to the classified service, the appointing officer is acting as the agent of the President, and hence his act is the act of the President; and (5) in thus revoking (or "waiving") the order of the classification, and in thus excepting the position, the President is only exercising, through his agent, authority derived from the law.

The whole matter, then, resolves itself into the question of how, if at all, a position once regularly in the classified service, and hence subject to the requirements of the law as to appointment thereto, may be removed or excepted from such requirements.

Bearing upon this question, please note carefully the provisions above quoted from section 6, paragraph 3, of the civil-service act. That provision prescribes in detail the method by means of which a position is brought into the classified service. By this provision the President and the head of a department or office are authorized and directed to do a certain thing in a certain definite prescribed manner.

Granting, now, merely for the sake of argument, that this provision impliedly authorizes the President also to direct that a position be removed from the classified service, and impliedly enjoins the head of a department or office to carry out such direction of the President, nevertheless it will not be contended, it is assumed, that under this provision a position can be removed from the classified service otherwise than in the same definite prescribed manner, attended by the same degree of formality and solemnity as is expressly required to bring a position into the classified service. It is impossible to escape the conclusion, then, that no position once classified can be withdrawn from the classified service, if at all, except upon a positive and express direction to the head of the proper department or office to revise the classification of that department or office and exclude such position, and the actual and express carrying out of this direction on the part of the head of the department or office.

It is a well-established principle that when power or authority to do a certain thing is derived from statute, such power or authority can be delegated to another only when such right of delegation is also bestowed by the statute. Note carefully in this case that not only is the right of delegation not bestowed upon the President, either expressly or impliedly, but also that the statute places the power to do the thing solely and unqualifiedly in the President himself, in clear and express terms. Surely, then, the Comptroller has here no warrant of law for the proposition that



the appointing officer, as the agent of the President, can perform an act which is clearly required by the law to be performed by the President in person.

But there is still another provision of law bearing upon the question of how, if at all, a position may be excepted from the requirements of the civil-service law, namely, the following provision of section 2: "Any necessary exceptions from said eight fundamental provisions of the rules shall be set forth in connection with such rules." Two of the fundamental provisions here referred to are found in the quotations from section 2 above, namely: First, the requirement of open competitive examinations for testing fitness of persons for appointment to the classified service; and, second, requirements that all offices, places, and employments in the classified service shall be filled by selections according to grade from among those graded highest as the result of such competitive examinations. While the President is undoubtedly authorized to except a position from the requirement of examination and certification by the Commission for appointment thereto, nevertheless it should be carefully noted that here, also, the manner of making such exception is expressly prescribed, and consequently can not be legally made in any other manner.

The language of the law is: "Any necessary exceptions from said eight fundamental provisions of the rules shall be set forth in connection with such rules." It is perfectly clear, then, that the President is without authority of law to except a position from the requirement of examination and certification by the Commission for appointment thereto unless he sets forth such exception in connection with the rules, and an exception otherwise made is consequently void. Here, again, then, we fail to find any support of law for the Comptroller's opinion as to the manner in which a position may be legally excepted from the requirements of the civil-service law. If anything more were needed to show that the Comptroller's implied "agency" argument must fall, it would only be necessary to invoke the fundamental and well established doctrines governing principal and agent.

To sum up, then, the consideration of the question as to how, if at all, a position may be removed or excepted from the requirements of the provisions quoted from the civil-service law, it is seen that such removal or exception can not be accomplished otherwise than by the actual personal act of the President himself; that in the case decided by the Comptroller the position was not thus removed or excepted, and consequently the appointment made thereto without compliance with the requirements of the civil-service law was absolutely void, and the occupant was accordingly not entitled to any emoluments or compensation accruing therefrom.

It has been suggested that the Comptroller holds in this decision that the civil-service rules have not the force of law. The only civil service rules which apply to the case before him are those which have been established for the purpose of carrying out the requirements of the law as to examination and certification of persons before they are appointed to the classified service. Upon this point it may be said, first, that as already pointed out, there is ample provision of the law itself, without resorting to the rules at all, which makes it absolutely mandatory that no person can be legally appointed in the manner in which the person was appointed in the case before the Comptroller. However, if it were necessary to resort to the rules upon this point, let us briefly look into the question of what would be the force and effect of such rules.

The force and effect of rules and requirements promulgated by executive officers authorized to promulgate same has repeatedly been considered and passed upon by the Supreme Court. (See *Wayman v. Southard*, 10 Wheat., 1, 46; *In re Kollock*, 105 U. S., 526; *U. S. v. Symonds*, 120 U. S., 46; *Morrill v. Jones*, 106 U. S., 466, and *Field v. Clark*, 143 U. S., 649.)

*Morrill v. Jones* arose upon the following state of facts: Section 2502, R. S., provides, among other things, that animals specially imported for breeding purposes shall be admitted free of duty, under such regulations as the Secretary of the Treasury may prescribe. The Secretary made a regulation that only such animals should be admitted free as "are of superior stock, adapted to improving the breed in the United States." Certain animals were imported specially for breeding purposes, but it was not satisfactorily shown that they were of superior stock. Duties were exacted and suit was brought for the recovery of the amount paid. The court said:

"The Secretary of the Treasury can not by his regulations alter or amend a revenue law. All he can do is to regulate the mode of proceeding to carry into effect what Congress has enacted. In the present case we are entirely satisfied the regulation was in excess of the power of the Secretary. The statute clearly includes animals of all classes. The regulations seek to confine its operations to animals of 'superior stock.' This is manifestly an attempt to put into the body of the statute a limitation which Congress did not think it necessary to prescribe."

On the other hand, the *Kollock* case arose upon the following state of facts: The statute required retail dealers to pack oleomargarine sold by them in suitable packages to be marked and branded "as the Commissioner of Internal Revenue, with the



approval of the Secretary of the Treasury, shall prescribe." The Commissioner, with such approval, made regulations prescribing how such packages should be marked. Kollock, having sold packages of oleomargarine not marked as prescribed by the regulations, was indicted for violation of the statute. The court in this case said:

"The designation of the stamp, marks, and brands is merely in the discharge of an administrative function, and falls within the numerous instances of regulations needful to the operation of the machinery of particular laws, authority to make which has always been recognized as within the competency of the legislative power to confer. \* \* \* The regulation was in execution of, or supplementary to, but not in conflict with the law itself, and was specifically authorized thereby in effectuation of the legislation which created the offense."

In this case the regulation was held to have the force and effect of law, and that hence its violation was a violation of law, and the court sustained the indictment.

Again, a similar question arose in the case of *Field v. Clark*, also above cited. In its opinion in this case the Supreme Court said:

"In *Moore v. City of Reading* (21 Pa. Stat., 188, 202) the language of the court was:

" 'Half the statutes on our books are in the alternative, depending on the expression of some person or persons to whom is confided the duty of determining whether the proper occasion exists for executing them. But it can not be said that the exercise of such discretion is the making of the law.' "

"So, in *Locke's Appeal* (72 Pa. Stat., 491, 498):

" 'To assert that a law is less than a law because it is made to depend on a future event or act is to rob the legislature of the power to act wisely for the public welfare whenever a law is passed relating to a state of affairs not yet developed, to things future and impossible to know.' \* \* \*

"The legislature can not delegate its power to make a law; but it can make a law to delegate a power to determine some fact or state of things upon which the law makes, or intends to make, its own action depend. To deny this would be to stop the wheels of government. There are many things upon which wise and useful legislation must depend which can not be known to the law-making power, and must therefore be a subject of inquiry and determination outside of the halls of legislation."

Further, in the recent case of *Woods v. Postmaster-General*, which arose in the supreme court of the District of Columbia, Judge Cox in delivering his opinion said, referring to the civil-service rules:

"There can be no doubt as to the power of Congress or any other legislative body to delegate to subordinate authorities the power to make rules and regulations within certain limits which, when made, will have the force of law."

In view of these decisions of the courts, it is not reasonable to infer that the Comptroller intends to hold that those provisions of the civil-service rules carrying out the requirements and provisions of law quoted have not the full force and effect of law.

Thus, from another point of view also, we must arrive at the same conclusion as indicated in the early part of this discussion, namely, (1) that the Comptroller does not intend to hold that so long as a position once in the classified service is not excepted from the requirements incident thereto, an appointment can be made to such position without compliance with the provisions of the civil-service law and rules requiring such appointment to be made through examination and certification by the Commission; and (2) that consequently, the only question left at issue is how, if at all, a position once in the classified service can be legally excepted or withdrawn from the requirements of law incident to its classification.

And it has already been pointed out in the first part of this communication (1) that the law prescribes a certain definite manner in which only the position can be thus withdrawn or excepted; (2) that in the case before the Comptroller the position was not withdrawn or excepted in the manner prescribed; and (3) consequently the conclusion can not be escaped that the appointment to the position in a manner contrary to that prescribed was illegal and void, and hence the person appointed was not entitled to any compensation or emolument accruing to the office.

In view of the importance of the case, the Commission respectfully requests that, under authority of the act of July 31, 1894, commonly known as the "Dockery Act," you ask the Comptroller to review his findings in the matter.

Very respectfully,

JOHN R. PROCTER, *President*.

See the statement at page 79 of the reasons given by the Commission for recommending the exception of office deputy marshals from examination.

**Removal of Charles R. Whitman, Assistant U. S. District Attorney, for alleged political reasons. File 394 B.**

Under date of July 25, 1898, Mr. Charles R. Whitman wrote to the Commission charging that his separation from the position of assistant U. S. district attorney for the eastern district of Michigan, on May 3, 1898, was made for political reasons. He inclosed a verified copy of correspondence which he had had with the Attorney-General, which, he claimed, settled that fact conclusively. The position taken by the Attorney-General in this correspondence was not that the removal was for other than political reasons, but that the office was not embraced within the classified service. Under the rules of May 6, 1896, the position of assistant U. S. district attorney was included within the classified service and so reported by the then Acting Attorney-General.

The only question which, it would seem, could possibly arise concerning the legality of the classification of the position is the question whether such position is in the executive or judicial branch of the Government. If in the latter, it could not, of course, be included within the executive civil service.

The act of Congress creating the Department of Justice (see R. S., sec. 346) declares:

There shall be at the seat of government an Executive Department, to be known as the Department of Justice, and an Attorney-General, who shall be the head thereof.

Section 363, R. S., provides:

The Attorney-General shall, whenever in his opinion the public interest requires it, employ and retain, in the name of the United States, such attorneys and counselors at law as he may think necessary, to assist the district attorneys in the discharge of their duties, and shall stipulate with such assistant attorneys and counsel the amount of compensation, and shall have the supervision of their conduct and proceedings.

A later statute (section 8 of the legislative, executive, and judicial appropriation act of May, 1896) has since modified section 363, R. S., by making the opinion in writing of the United States district judge as to the necessity for the employment of an assistant district attorney a prerequisite to the employment of such an officer.

Authority to appoint, control, or remove from office an assistant district attorney is nowhere given to the judicial power of the United States, but is lodged in the executive department. The Department of Justice has recognized this and acted upon such recognition, for as late as January 5, 1898, replying to a resolution of the Senate of December 18, 1897, relative to amendments to the civil-service rules, Attorney-General McKenna said:

In response to the resolution of the Senate of December 18, 1897, directing the heads of the several Executive Departments to inform the Senate what appointive positions, if any, in their respective Departments should, in their opinion, be excepted from the operation of the laws governing the civil service, or the rules established by the Civil Service Commission, and to inform the Senate what changes or amendments to the present civil-service rules seem to be desirable, as indicated by their experience, I have the honor to reply that " \* \* \* attorneys and assistant attorneys, including in the latter assistant district attorneys, should be removed from the "classified service."

The civil-service act contemplates that all positions in the executive civil service of the Government not those of mere laborers or workmen or Presidential appointees requiring confirmation by the Senate, shall eventually be made subject to the civil-service rules. The position of assistant district attorney clearly does not fall within either of the excluded classes above named.

By the terms of the civil-service rules as amended November 2, 1896, the position of assistant district attorney was excepted from examination. It is still, however, within the classified civil service and subject to Rule II, clause 3, forbidding removals for political reasons. In a letter to Mr. Whitman, under date of July 8, 1898, the Attorney-General said:

I have held over since I have been Attorney-General that assistant district attorneys were not in any sense within the rules or regulations of the civil service, and have acted accordingly. In my judgment your removal was perfectly legitimate and violated no law or regulation.

After correspondence with the Attorney-General and Mr. Whitman on the subject, the Commission, under date of October 7, addressed a letter to the President asking that an opinion be requested from the Attorney-General respecting the status under the civil-service rules of the positions of assistant United States attorneys, examiners in the Department of Justice, clerks to United States district attorneys, office deputy marshals, and clerks and stenographers in the offices of United States marshals. These positions were reported by Attorney-General Harmon, as embraced in the executive civil service classified under the civil-service act and rules.

Following the change of Administration appointments were made to all these positions without examination, and it was contended that some, if not all, of them were not in any sense legally within the rules. This letter was referred by the President to the Attorney-General, who, under date of October 10, addressed a letter to the Commission, in which he said:

The amendments of the civil-service rules prepared by me expressly exclude all attorneys, all deputy marshals, etc., as by reference to the draft prepared by me will appear. There have been differences of opinion as to whether or not these officials were within the civil-service rules. Some of the positions have been subject to legal decision. I understand the president of your Commission has taken one point of view and practically this Department has taken another. My object in expressly covering these disputed points by the order which the President is to make upon the subject was to dispose effectually of all doubts upon the subject. It does not appear to me that the rendering of an official opinion upon the legal question would have any use except an academic one, and I respectfully suggest, therefore, that the amendments as prepared and agreed upon between myself and the Commissioners be submitted to the President for his approval, without any further discussion of the exact legality of the various contentions upon the subject.

The following correspondence then took place:

OCTOBER 17, 1898.

Hon. JOHN W. GRIGGS,  
*Attorney-General, Washington, D. C.*

SIR: The undersigned are in receipt of your letter of the 10th instant, in answer to our communication to you of the 7th instant, per the President, relating to the desire of the Commission to have your opinion as to whether assistant district attorneys and certain other-named officials or positions have been legally classified or are legally classifiable. We should treat your refusal to give such opinion upon the questions propounded by our letter of the 7th instant as final if we were not led to believe by the tone and tenor of your letter that you were inclined to think that the determination of the questions submitted to you was unnecessary in aiding the Commission in the execution of the trust bestowed upon it by the President, the statutes, and the civil-service rules promulgated by the President. We therefore here submit to you further reasons for requesting your opinion touching the matters in question and the reasons why such an opinion is deemed important and necessary to and for the Commission at this time. Among the innumerable legal questions which from day to day are brought to the attention of the Commission the Commission has tried to settle nearly all of them by itself without bothering your Department, and it has, so far as we know, only called for your legal opinion in a very few cases which seemed in our minds to be very necessary, and where the opinion, whether favorable or adverse, might be far-reaching in its results. Take the cases in question. The Commission, as you were informed in our former letter of the 7th instant, is engaged in the preparation of a revision of the President's civil-service rules, to be, when completed, submitted to the President and by him promulgated as revised. The Commission is not asking whether these positions are now in the classified service, as we remember, because we apprehend no one doubts that fact.

By the orders of President Cleveland and by virtue of the statutes and the civil-service rules, these positions were classified and so reported to the Commission by Attorney-General Harmon, one of your predecessors, some few years ago. What we ask is to know from the law department of the Government, whether or not the President had jurisdiction to bring these positions referred to within the classified service. If such opinion should be that these positions were illegally classified, or were not legally classifiable, then the Commission desires in any proposed revision of the rules to recommend that the positions mentioned should be left out of the classified service and of the revised classification which will hereafter be submitted to the President for promulgation. In brief, the positions are classified as reported to the Commission by one of your predecessors, and have always been so treated by the Commission. Now the question is raised that these positions were, and are not,

legally classifiable, and it seems to the Commission that the submitting of the question to the Attorney-General through the legitimate and proper channel is worthy of consideration other than for academic purposes, as suggested in your letter.

In this connection we beg to say that should the President promulgate to-morrow any amendments to the rules that have been considered by yourself and the Commission, such amended rules would in no way settle or change the legal status of assistant district attorneys. They are now and have been considered as filling excepted positions, although in the classified service (see clause (c), Rule VI); but there is a broad distinction between an unclassified position and a position classified and then excepted. If you have ever presented any proposition to the Commission, or any member of the Commission, to take these positions entirely from the classified service we have no recollection of the same, and we might say that at the present time we are unable to tell of any particular amendments which were proposed by you touching the positions named which were agreed upon by yourself and the Commission to be submitted to the President, save as to the question of exceptions; and on some of your propositions touching exceptions, as we recollect, your mind and the mind of the Commission were not in harmony.

Speaking in an academic manner, as referred to, we beg to suggest that excepting a position means not that the position is thereby excepted from the classification, but only that an excepted position may be filled by the appointment of an individual without his first having taken a competitive examination, and such person may be removed or dismissed from such position at the will of the appointing officer without his giving him a hearing, as provided for under the order of the President of July 27, 1897, except that such person can not legally be removed from his position for political or religious reasons. This is our understanding as to what is meant by an excepted position, and we think these views are warranted by the act itself and the President's civil-service rules. It is, in our opinion, far better that all positions which are not and can not be legally classifiable should be left out of any revised classification, and it is for this reason that we desire to have your legal and official opinion as to whether the positions mentioned in our former letter are or are not legally classifiable. Whatever may be the opinion of any member of the Commission touching the questions referred to, the Commission, we apprehend, will be ready and willing at all times and, in fact, feel it to be its duty to be bound to take your official opinion and act upon the same accordingly in any revisions of the rules which the Commission may submit to the President.

We beg to assure you that our request was made in the utmost good faith and in order to aid us in best subserving the public interests, and not to serve our own personal interests or the interests of any particular individual, and we trust that after this lengthy explanation you will take a different view of the matter and permit the Commission to have your official opinion touching the questions presented to you.

We have the honor of remaining, very truly, yours,

JOHN B. HARLOW,  
M. S. BREWER,  
*Commissioners.*

DECEMBER 1, 1898.

Hon. JOHN B. HARLOW,  
Hon. M. S. BREWER,  
*Civil-Service Commissioners:*

GENTLEMEN: I beg to acknowledge the receipt of your communication of October 17 relative to the desire of the Civil Service Commission to have my opinion as to whether assistant district attorneys, and certain other named officials, have been legally classified or are legally classifiable; and note your statement that you should treat my refusal to give such opinion upon the question propounded in your letter of the 7th of October as final if you were not led to believe by the tone and tenor of my letter that I was inclined to think that the determination of the question submitted to me was unnecessary, etc.

It is the duty and function of the Attorney-General to render opinions only when requested by the President or heads of Executive Departments. In this instance your request for an opinion was made to the President and sent to me not indorsed or with any instructions to advise him on the subject, but merely to consider the advisability of his asking for an opinion. In that view I wrote you my letter of October 10.

The President has not requested any opinion from me upon this subject, and it would, therefore, be improper for me to give an opinion directly to your Commission. If anything in my former letter justified your inference that I had refused to give an opinion, properly requested, I beg to tender the above explanation. I may say that my opinion as to the advisability of the necessity of an official declaration

from this Department upon the subject involved remains the same as was expressed in my letter of October 10.

Very respectfully,

JOHN W. GRIGGS,  
*Attorney-General.*

## VI. THE GOVERNMENT PRINTING OFFICE.

Complaint has been made to the Commission during the current year that political and sectional considerations have been taken into account in the discharge of employees in the Government Printing Office.

Each year in this office, upon the adjournment of Congress, there is a heavy decrease in the amount of work to be executed, necessitating a corresponding reduction of force. This reduction usually amounts to a total of about 300 employees of all kinds. The compositors separated from the service on July 23, 1898, included all on the temporary roll and 83 on the regular roll. Of the 83, 39 were from Northern States, Territories, etc., and 44 from Southern, including in the latter designation Maryland and the District of Columbia, there being 5 from the District, 2 from Maryland, and 7 from Virginia, which were among those States, etc., having the largest number of employees in the office. Of the 83 regular employees separated, 67 were appointed between March 4, 1883, and March 4, 1897; 10 between March 4, 1889, and March 4, 1893; 5 prior to March 4, 1889; 1 since March 4, 1897. Seventy-eight were of those who were brought into the classified service by the Executive order of June 13, 1895, classifying the Government Printing Office, and 5 received appointment through examination and certification under the civil-service rules.

The following table shows the number of compositors credited to each State on August 1, 1898, and the number discharged on July 23, 1898. To find the number serving prior to the discharge, the double columns headed, respectively, "Employed Aug. 1, 1898," and "Discharged July 23, 1898," should be added:

State.	Employed Aug. 1, 1898.		Discharged July 23, 1898.	
	Northern.	Southern.	Northern.	Southern.
Alabama.....		4		3
Arizona.....				
Arkansas.....		13		
California.....	3			
Colorado.....	5			
Connecticut.....	5			
Delaware.....	4			
District of Columbia.....		75		5
Florida.....		2		2
Georgia.....		22		6
Idaho.....				
Illinois.....	35		2	
Indiana.....	28		3	
Iowa.....	18		1	
Kansas.....	12		1	
Kentucky.....		21		3
Louisiana.....		7		2
Maryland.....		32		2
Massachusetts.....	9			
Michigan.....	21		1	
Minnesota.....	14			
Mississippi.....		8		1
Missouri.....		16		2
Montana.....	2		2	
Nebraska.....	8		1	
Nevada.....				
New Hampshire.....	5			
New Jersey.....	20		4	
New Mexico.....	1			
New York.....	110		10	
North Carolina.....		9		
North Dakota.....	3			
Ohio.....	35		6	
Oklahoma.....	1			
Oregon.....	1			



State.	Employed Aug. 1, 1898.		Discharged July 23, 1898.	
	Northern.	Southern.	Northern.	Southern.
Pennsylvania.....	62		5	
South Carolina .....		8		2
South Dakota.....	4			
Tennessee .....		19		6
Maine .....				
Texas .....		8		
Utah .....	2		1	
Vermont.....	4		1	
Virginia .....		26		7
Washington .....	2		1	
West Virginia.....		15		3
Wisconsin .....	5			
Total .....	419	285	39	44

Fifty-four of the compositors removed on July 23 have since been reinstated.

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## PART VI.

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### PRACTICE OF THE PRESIDENTS IN APPOINTMENTS AND REMOVALS IN THE EXECUTIVE CIVIL SERVICE FROM 1789 TO 1883.

The merit system of the first six Presidents, its displacement by the spoils system in 1829, and the efforts to return to the principles of the founders of the Government, as shown by quotations from contemporary statesmen and official documents.



## PART VI.—PRACTICE OF THE PRESIDENTS IN APPOINTMENTS AND REMOVALS IN THE EXECUTIVE CIVIL SERVICE FROM 1789 TO 1883.

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### THE BEGINNING OF THE CIVIL SERVICE.

#### OPINIONS IN THE FEDERAL CONVENTION OF 1789 CONCERNING THE POWER OF APPOINTMENT.

Most of the deliberations of the Constitutional Convention on the subject of appointments concerned the manner of selecting the higher officers. This was doubtless due to the fact that the number of minor offices under the Confederation was so small that no apprehensions had been excited as to the dangers that might arise from unwise appointments thereto. Indeed, in 1823, thirty-six years later, the aggregate number of persons employed in all the departments of the Government throughout the country was less than 10,000, and for the first three years under the Constitution the patronage was distributed on the basis of a total annual revenue of less than \$2,000,000.

The arguments advanced in the convention for and against the several plans proposed for the selection of the higher officers are, in general, equally applicable to the various possible methods of selecting all appointive officers.

The following methods of appointment were proposed in the convention: By the Senate; by both branches of the National Legislature; by the President solely; and by the President and Senate.

“Mr. Madison objected to an appointment by the whole legislature. Many of them were incompetent judges of the requisite qualifications. They are too much influenced by their partialities. The candidate who was present, who had displayed a talent for business in the legislative field, who had perhaps assisted ignorant members in business of their own, or of their constituents, or used other winning means, would, without any of the essential qualifications for an expositor of the laws, prevail over a competitor not having those recommendations, but possessed of every necessary accomplishment. He proposed that the appointments should be made by the Senate.”<sup>1</sup> He also feared the results of appointment by the whole legislature, for the reason that “experience in all states has evinced a powerful tendency in the legislature to absorb all power into its vortex” (p. 399). He subsequently suggested nomination by the Executive, with the concurrence of at least one-third of the Senate, as uniting the responsibility of the one with the security afforded by the other against incautious or corrupt nominations.

Mr. Mason expressed a fear that “the Executive may refuse its assent to necessary measures till new appointments shall be referred to him; and having by degrees engrossed all these into his own hands, the American Executive, like the British, will, by bribery and influence, save himself the trouble and odium of exerting his negative afterwards” (p. 105).

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<sup>1</sup> All references, until otherwise stated, are to the *Journal of the Federal Convention*, kept by James Madison. Scott, Foresman & Co., Chicago.

Dr. Franklin prophesied that through the disposal of all profitable offices "the Executive will be always increasing here, as elsewhere, till it end in monarchy" (p. 106).

Mr. Wilson mentioned intrigue, partiality, and concealment as necessary consequences of appointment of judges by the National Legislature, and favored the appointment of officers by a single responsible person; but Mr. Rutledge was opposed to granting so great a power to any man (p. 108).

Alexander Hamilton submitted a sketch of his views to the Committee of the Whole, in accordance with which the Executive was "to have the sole appointment of the heads or chief officers of the departments of finance, war, and foreign affairs; to have the nomination of *all other officers* (ambassadors to foreign nations included, subject to the approbation or rejection of the Senate," thus indicating his desire to subject the action of the appointing power to revision (pp. 185, 186).

Mr. Randolph preferred to trust the appointing power to the Senate rather than to the Executive, and proposed to secure personal responsibility by requiring the votes of the members to be entered upon the journal. He argued that the hope of receiving appointments would be *more diffusive* if they depended upon the Senate than if they depended upon a single man, who could not be personally known to a very great extent. Mr. Gorham remarked that the Senate could have no better information than the Executive, but must, like him, trust for information to the Senators from the candidate's own State (p. 376). Thus both gentlemen recognized the desirability of diffusiveness and knowledge of qualifications in the matter of appointments, objects easily attained by the method of appointment through examinations.

Mr. Pinckney was for placing the appointing power in the second branch exclusively, "as the Executive will possess neither the requisite knowledge of characters nor confidence of the people for so high a trust;" but Mr. Randolph declared that appointments by the legislatures have generally resulted from personal regard or some other consideration than a title derived from the proper qualifications (pp. 406, 407).

Mr. Ellsworth preferred an absolute appointment by the second branch, with a negative in the Executive, remarking that the Executive would be regarded by the people with a jealous eye, and every power for augmenting unnecessarily his influence would be disliked (p. 407).

Mr. Sherman was clearly for an election by the Senate. It would be composed of men nearly equal to the Executive, and would of course have on the whole more wisdom (p. 375).

Colonel Mason expressed "his dislike of any reference whatever of the power to make appointments to either branch of the legislature. On the other hand, he was averse to vest so dangerous a power in the President alone. As a method of avoiding both he suggested that a privy council of six members to the President should be established \* \* \* the concurrence of the Senate to be required only in the appointment of ambassadors and in making treaties" (p. 679).

Under each of the proposed methods some members were apprehensive of consequences that might arise from the influence upon the appointing power, of ambition, avarice, gratitude, affection, or ignorance of proper qualifications. Each theory or plan had its little group of supporters, who saw danger in all plans of appointment other than their own. In the light of subsequent events it would seem that the apprehensions of all were well grounded.

Their efforts seem without exception to have been directed toward the formulation of a plan which would secure the selection of capable and worthy officials, and prevent the use of this great power to further personal aggrandizement and selfish ends, or to build up the influence of any one of the three great branches of the Government at the expense of the others. All feared the dangers which might arise from unscrupulous manipulation of appointments; and the provision embodied in Article II, section 2, of the Constitution, that the President "shall nominate and, by and with the advice and consent of the Senate, appoint," was in effect a compromise, placing on both the President and Senate the responsibility which the framers could not trust to either alone.



## DEBATE IN THE FIRST CONGRESS ON THE POWER OF REMOVAL.

In the first session of the first Congress under the Constitution, the question whether the power of removal was vested in the President and Senate, or in the President solely, engaged the House in a five days' debate. It arose on Mr. Madison's motion that a Department of Foreign Affairs should be established, with a Secretary at its head, who was "*to be removable by the President.*"

The clause relating to removal was at once opposed on two contradictory grounds; one, that the only constitutional provision for removal was by impeachment; the other, that the same joint power that appointed should also remove. It was supported on the ground that this power, being executive in its nature, and not otherwise qualified, belonged to the President, removal by impeachment being merely supplementary.

A bill having been reported in accordance with the resolution and taken up in Committee of the Whole House, Mr. Madison opposed a motion to strike out the clause relating to removal, advocating its retention both on constitutional grounds and reasons of expediency and policy. His line of reasoning is indicated by the following quotations from the debate:

"I think it absolutely necessary that the President should have the power of removing from office; it will make him, in a peculiar manner, responsible for their conduct, and subject him to impeachment himself, if he suffers them to perpetrate with impunity high crimes and misdemeanors against the United States, or neglects to superintend their conduct so as to check their excesses."<sup>1</sup>

He begged Mr. Bland, who thought that the power which appointed should also remove, "to consider the inconvenience his doctrine would occasion, by keeping the Senate constantly sitting, in order to give their assent to the removal of an officer."<sup>2</sup>

"If the heads of the Executive Departments are subjected to removal by the President alone, we have in him security for the good behavior of the officer."<sup>3</sup>

"The Constitution affirms that the Executive power shall be vested in the President. \* \* \* I conceive that if any power whatsoever is in its nature executive, it is the power of appointing, overseeing, and controlling those who execute the laws."<sup>4</sup>

"I will not reiterate what was said before with respect to the mode of election and the extreme improbability that any citizen will be selected from the mass of citizens who is not highly distinguished by his abilities and worth; in this alone we have no small security for the faithful exercise of this power."<sup>5</sup>

"Perhaps the great danger, as has been observed, of abuse in the Executive power lies in the improper continuance of bad men in office. But the power we contend for will not enable him to do this, for if an unworthy man be continued in office by an unworthy President the House of Representatives can at any time impeach him, and the Senate can remove him, whether the President chooses or not. The danger, then, consists merely in this: The President can displace from office a man whose merits require that he should be retained in it. What will be the motives which the President can feel for such abuse of his power and the restraints that operate to prevent it? In the first place, he will be impeachable by this House before the Senate for such an act of maladministration; for *I contend that the wanton removal of meritorious officers would subject him to impeachment and removal from his own high trust.*"<sup>6</sup>

It will be observed that whatever Mr. Madison's opinions lacked from the constitutional viewpoint was more than made up for by his statements concerning the treatment of the civil service.

The opponents of the clause denied that the power of removal was executive *per se*. "What powers are executive or incidental to the executive department will depend upon the nature of the government. \* \* \* The legislatures of republics appoint

<sup>1, 2, 3, 4, 5</sup>: Gale's Annals of Congress, 1st Cong., 1st sess., pp. 372, 375, 379, 463, and 497, respectively.

<sup>6</sup> Same, 1st Cong., 1st sess., p. 497.

to office; this power is executed by the executive of monarchies. \* \* \* Can the President establish corporations? Can he prevent citizens from going out of the country? He can not. Yet these powers are exercised as executive powers by the King of Great Britain."<sup>1</sup>

Another view of the matter was introduced by Mr. Ames:

"The power of removal is incident to government, but, not being distributed by the Constitution, it will come before the legislature, and, like every other omitted case, must be supplied by law."

To those who predicted numerous and various dangers from the President's abuse of this power, the advocates of the bill could point out no remedy short of impeachment.

The clause relating to removals was finally stricken out, and it was provided that the chief clerk should have charge of all records, etc., "*whenever the said principal officer shall be removed by the President of the United States,*" the phraseology being changed in order that the act might not seem to confer upon the President a power belonging to him by inference from the Constitution. The opposition made the point that if the clause was not needed to confer that power it was not needed at all. The bill passed the House, however, on June 24, 1789, by a vote of 29 to 22, and the Senate July 18, the Vice-President giving the deciding vote.<sup>2</sup>

Many of the greatest statesmen of subsequent years are on record against the conclusion of the majority in that first Congress, and have expressed the opinion that the power to regulate dismissals may yet be reclaimed; but the freedom of the first five Administrations from abuses in the matter of removals gave it such a sanction of age that it will probably never be reversed.

#### TREATMENT OF THE CIVIL SERVICE BY THE PRESIDENTS UNTIL 1829.

Our first President treated the offices at his disposal with the same lofty indifference to personal or partisan interests which characterized his performance of all official duties. The Vice-President could well say of him:

"No man has influence with the President. \* \* \* He seeks information from all quarters, and judges more independently than any man I ever knew."<sup>3</sup>

His declarations of policy are stated with a clearness that seems remarkable when it is remembered that there were no parties, that his nomination was "spontaneous," his election unanimous, and the first entry on the page of patronage still to be written. Before his election he wrote in reply to a letter asking for an appointment:

"If I should once more be led into the walks of public life, it is my fixed determination to enter there, not only unfettered by promises, but even unchargeable with creating or feeding the expectation of any man living for my assistance to office. \* \* \* First, because all offices are to be created by law, and consequently are as yet uncertain; secondly, because the appointments of offices may possibly be left to the heads of departments; \* \* \* and thirdly, because the ear of the nominator ought to be open to the comments on the merits of each candidate, and to be governed primarily by the abilities which are most peculiarly adapted to the nature and duties of the office which is to be filled. \* \* \* It will be under the influence of these sentiments, and the best knowledge I can obtain of characters, that I shall invariably act with respect to appointments."<sup>4</sup>

Again, writing to Benjamin Harrison:

"If it should be my inevitable fate to administer the Government, \* \* \* I will go to the chair under no preengagement of any kind whatsoever. But, when in it, I will, to the best of my judgment, discharge the duties of the office with that

<sup>1</sup> Gale's Annals of Congress, Vol. I, pp. 371-374 and 578.

<sup>2</sup> Same, Vol. I, p. 578.

<sup>3</sup> Works of John Adams, Vol. IX, p. 501.

<sup>4</sup> Writings of Washington, Vol. IX, pp. 460-461, letter to Mr. Samuel Harrison, January 12, 1789.

impartiality and zeal for the public good which ought never to suffer connections of blood or friendship to intermingle so as to have the least sway on decisions of a public nature."<sup>1</sup>

The increasing pressure for place seems but to have intensified his determination not to yield to considerations other than those concerning the public welfare:

"Scarcely a day passes in which applications of one kind or another do not arrive; insomuch, that, had I not early adopted some general principles, I should before this time have been wholly occupied in this business. As it is, I have found the number of answers, which I have been necessitated to give in my own hand, an almost insupportable burden to me. The points in which all these answers have agreed in substance are that, should it be my lot to go again into public office, I would go without being under any possible engagements of any nature whatsoever; that, so far as I know my own heart, I would not be in the remotest degree influenced, in making nominations, by motives arising from the ties of family or blood, and that, on the other hand, three things, in my opinion, ought principally to be regarded, namely, the fitness of characters to fill offices, the comparative claims from the former merits and sufferings in service of the different candidates, and the distribution of appointments in as equal a proportion as might be to persons belonging to the different States in the Union."<sup>2</sup>

A month later a letter which might well enlist his sympathies elicited this reply:

"All that I require is the name and such testimonials with respect to abilities, integrity, and fitness as it may be in the power of the several applicants to produce. Beyond this nothing with me is necessary or will be of any avail to them in my decisions."<sup>3</sup>

It is refreshing to note how perfectly his practice corresponded with his ante-election declarations:

"In every nomination to office I have endeavored, so far as my own knowledge extended or information could be obtained, to make fitness of character my primary object."<sup>4</sup>

Toward the close of his Presidential career he makes this statement concerning his past policy:

"In the appointments to the great offices of the Government my aim has been to combine geographical situation, and sometimes other considerations, with abilities and fitness of known characters."<sup>5</sup>

Early in his second term Washington gives the reasons why he has not made a practice of answering applications for office. It would take too much time; civil answers might be construed to mean more than was intended; "coeval with my inauguration I resolved firmly that no man should ever charge me justly with deception." He declared that he had experienced the necessity of hardening his heart and departing from first impressions with respect to nominations, "which has proved most unequivocally the propriety of the maxim I had adopted of never committing myself until the moment the appointment is to be made, when, from the best information I can obtain, and a full view of circumstances, my judgment is formed."<sup>6</sup>

Two features are prominent in the passages already quoted—the lofty motives which actuated him in making appointments, and the burden of withstanding importunities for place. Halfway through his second term he writes:

"To a man who has no ends to serve, nor friends to provide for, nomination to office is the most irksome part of the executive trust."<sup>7</sup>

"When I came into office," said John Adams, "it was my determination to make as few removals as possible—not one from personal motives, not one from party

<sup>1</sup> Writings of Washington, Vol. IX, p. 476, letter to Benjamin Harrison.

<sup>2</sup> Same, Vol. IX, p. 479, letter dated March 21, 1789.

<sup>3</sup> Same, Vol. X, p. 6, May 21, 1789, letter to a general's widow.

<sup>4</sup> Same, Vol. X, p. 57, Nov. 30, 1789, letter to Joseph Jones.

<sup>5</sup> Same, Vol. XI, p. 78, Oct. 9, 1795, letter to Edward Carrington.

<sup>6</sup> Same, Vol. X, 397, April 8, 1794, letter to James McHenry.

<sup>7</sup> Same, Vol. X, p. 136, Feb. 6, 1791, letter to John Armstrong.

considerations. This resolution I have invariably observed." His declarations of policy regarding appointments and removals are few. His conduct in such matters did not, however, wholly escape criticism. The charge of favoring his relatives was brought against him, the principal cases being the transferral of his son, John Q. Adams, from one diplomatic mission to another—an action warmly commended by Washington;<sup>1</sup> the appointments given to Colonel Smith, concerning which he remarked that he did not see why he should refuse to advance a worthy officer, whose companions were receiving promotion, simply because that officer happened to be his son-in-law; and his selection of William Cranch, his wife's nephew, to be chief justice of the circuit court of the District of Columbia.<sup>2</sup>

Several of his appointments provoked criticism, chiefly, perhaps, from his independence in making them. He disliked all interference on the part of the Senate or his Cabinet, and often made nominations without consulting those who thought they should have a voice in the matter. He also made some nominations which were considered unfortunate, notably that of Mr. Murray as minister to France; and the peremptory removal of his Secretaries of War and State, Messrs. McHenry and Pickering, was sharply criticised. He also made several appointments to newly created offices just before the expiration of his term, which action, according to many, should have been left to his successor. But in his Administration there is no trace of the spoils system.

There are some who have professed to discover in the Administration of Jefferson the beginnings of that system. It is true that he made more removals than his predecessor. But when it is remembered that he was the first President of a new party, and that many of the officers must have been distinctly hostile to the principles he represented, his thirty-nine removals seem an absurdly small pretext for the charge brought against him, and the wonder is that his removals were so few. Then, too, the appointment of his political enemies to positions, many of them for life, up to the last moment of the term of his predecessor, seems largely to justify the resentment which he felt thereat. According to the story told by Parton, in his *Domestic Life of Jefferson*, the new President's Attorney-General entered the private office of Adams's Secretary of State at midnight and stopped the signing of commissions which was still going on. How bitterly he resented the midnight appointments appears in a letter to Mrs. Adams, June 13, 1804:

"One act of Mr. Adams's life, and one only, ever gave me a moment's personal displeasure. I did consider his last appointments to office as personally unkind. They were from among my most ardent political enemies, from whom no faithful cooperation could ever be expected, and laid me under the embarrassment of acting through men whose views were to defeat mine, or to encounter the odium of putting others in their places."<sup>3</sup>

Under date of February 14, 1801, Jefferson gives a general outline of his policy, which he seems never materially to have modified:

"No man who has conducted himself according to his duties would have anything to fear from me, as those who have done ill would have nothing to hope, be their political principles what they might. The obtaining an appointment presents more difficulties. The Republicans have been excluded from all offices from the first origin of the division into Republicans and Federalists. They have reasonable claim to *vacancies* till they occupy their due share."<sup>4</sup>

He strongly disapproved, however, of partisan activity on the part of officeholders:

"One thing I will say, that as to the future, interferences with elections, whether of the State or General Government, by officers of the latter, should be deemed cause of removal; because the constitutional remedy by the elective principle becomes

<sup>1</sup> Writings of Washington, VIII, p. 530.

<sup>2</sup> Works of John Adams, IX, p. 63.

<sup>3</sup> Writings of Jefferson, IV, p. 546.

<sup>4</sup> Same, IV, p. 353, letter to Dr. B. S. Barton.

nothing, if it may be smothered by the enormous patronage of the General Government."<sup>1</sup>

Still speaking of removals:

"Some, I know, must be made. They must be as few as possible, done gradually, and bottomed on some malversation or inherent disqualification. Where we shall draw the line between retaining all or none, is not yet settled, and will not be until we get our Administration together; and perhaps even then we shall proceed *à tâtons*, balancing our measures according to the impression we perceive them to make."<sup>2</sup>

In a letter written early in his Administration he outlines a tentative policy for appointments and removals:

"That some ought to be removed from office, and that all ought not, all mankind will agree. But where to draw the line perhaps no two will agree. \* \* \* Some principles have been the subject of conversation, but not of determination; e. g. (1) All appointments to civil offices during pleasure, made after the event of the election was certainly known to Mr. Adams, are considered as nullities. \* \* \* (2) Officers who have been guilty of official malconduct are proper subjects of removal. (3) Good men, to whom there is no objection but a difference of political principle practiced on only as far as the right of a private citizen will justify, are not proper subjects of removal, except in the case of attorneys and marshals."<sup>3</sup> The reason for the exception was that the appointment of Republicans to the latter offices might neutralize somewhat the intensely Federal character of the courts.

Writing in confidence to Dr. Rush, under date of March 24, 1801, he says:

"With regard to appointments, I have so much confidence in the justice and good sense of the Federalists that I have no doubt they will concur in the fairness of the position, that after they have been in the exclusive possession of all offices from the very first origin of party among us to the 3d of March, at 9 o'clock in the night, no Republican ever admitted, and this doctrine newly avowed, it is now perfectly just that the Republicans should come in *for the vacancies which may fall in*, until something like an equilibrium in office be restored. But the great stumbling block will be removals, which, though made on those just principles only on which my predecessor ought to have removed the same persons, will nevertheless be ascribed to removal on party principles. First, I will expunge the effects of Mr. A.'s indecent conduct in crowding nominations after he knew they were not for himself, till 9 o'clock of the night, at 12 o'clock of which he was to go out of office. So far as they are during pleasure, I shall not consider the persons named, even as candidates for the office, nor pay the respect of notifying them that I consider what was done as a nullity. Second, some removals must be made for misconduct. \* \* \* Of the thousands of officers, therefore, in the United States, a very few individuals only—probably not twenty—will be removed, and those only for doing what they ought not to have done. Two of these instances, indeed, where Mr. A. removed men because they would not sign addresses, etc., to him will be rectified—the persons restored. \* \* \* I know that in stopping thus short in the career of removal I shall give great offense to many of my friends. That torrent has been pressing me heavily and will require all my force to bear up against it, but my maxim is "*fiat justitia ruat cælum*."

In October, 1802, he outlines his policy to his Attorney-General:

"I still think our original plan as to office is best; that is, to depend, for the obtaining a just participation, on deaths, resignations, and delinquencies. This will least affect the tranquillity of the people, and prevent their giving in to the suggestion of our enemies, that ours has been a contest for office, not for principle.

\* \* \* Every officer of the Government may vote at elections according to his

<sup>1</sup> Letter to Thomas McKean, Feb. 2, 1801.

<sup>2</sup> Writings of Jefferson, IV, p. 368, letter to Monroe, March, 1801.

<sup>3</sup> Same, IV, pp. 380, 381; letter to William B. Giles, Mar. 23, 1801.



conscience; but we should betray the cause committed to our care were we to permit the influence of official patronage to be used to overthrow that cause.”<sup>1</sup>

Shortly afterwards the following circular was issued by the heads of the Executive Departments:

“The President of the United States has seen with dissatisfaction officers of the General Government taking, on various occasions, active parts in elections of the public functionaries, whether of the General or of the State governments. Freedom of elections being essential to the mutual independence of governments, and of the different branches of the same government, so vitally cherished by most of our constitutions, it is deemed improper for officers depending on the Executive of the Union to attempt to control or influence the free exercise of the elective right. This I am instructed, therefore, to notify to all officers within my department holding their appointments under the authority of the President directly, and to desire them to notify to all subordinate to them. The right of any officer to give his vote at elections as a qualified citizen is not meant to be restrained, nor, however given, shall it have any effect to his prejudice; but it is expected that he will not attempt to influence the votes of others, nor take any part in the business of electioneering, that being deemed inconsistent with the spirit of the Constitution and his duties to it.”

Very similar is the executive order issued July 14, 1886, more than seventy-five years later, and a comparison of the two orders presents a particular instance of the harmony which everywhere exists between the policies of the first six Presidents and the object of the reform movement:

“I deem this a proper time to especially warn all subordinates in the several departments and all officeholders under the General Government against the use of their official positions in attempts to control political movements in their localities.”

“Officeholders are the agents of the people, not their masters. Not only is their time and labor due to the Government, but they should scrupulously avoid in their political action, as well as in the discharge of their official duty, offending by a display of obtrusive partisanship their neighbors who have relations with them as public officials.

“They should also constantly remember that their party friends from whom they have received preferment have not invested them with the power of arbitrarily managing their political affairs. They have no right as officeholders to dictate the political action of their party associates or to throttle freedom of action within party lines by methods and practices which pervert every useful and justifiable purpose of party organization.

“The influence of Federal officeholders should not be felt in the manipulation of political primary meetings and nominating conventions. The use by these officials of their positions to compass their selection as delegates to political conventions is indecent and unfair; and proper regard for the proprieties and requirements of official place will also prevent their assuming the active conduct of political campaigns.

“Individual interest and activity in political affairs are by no means condemned. Officeholders are neither disfranchised nor forbidden the exercise of political privileges, but their privileges are not enlarged nor is their duty to party increased to pernicious activity by office holding.”<sup>2</sup>

Of a member of the Tammany society of Baltimore, who expressed the dissatisfaction of his society at the retention of so many Federalists, Mr. Jefferson is reported to have asked whether his party ought to put any restraint upon suffrage, and then, this being answered in the negative: “What is the difference between denying the right of suffrage and punishing a man for exercising it by turning him out of office?”<sup>3</sup>

<sup>1</sup> Writings of Jefferson, IV, p. 451.

<sup>2</sup> President Cleveland, in Messages of the Presidents, Vol. VIII, p. 494.

<sup>3</sup> Parton, Life of Jefferson, p. 611.

The case upon which the charge against Jefferson of introducing the spoils system seems chiefly to rest was that of the removal of a collector at New Haven. This position had been filled shortly before Mr. Jefferson's inauguration, and he treated it as he had threatened to treat all of Mr. Adams's latest appointments. While, in exasperation, he replied, to the remonstrance of the committee of New Haven merchants, that the President had the power to make removals and substitute men of his own party, it does not appear that he made use of this power, and, indeed, he explicitly states toward the close of his second term: "I have never removed a man merely because he was a Federalist."<sup>1</sup>

Mr. Madison does not appear to have said much about appointments and removals, but his conduct in those matters was above reproach. Speaking of "the right and policy in a successful candidate for the Presidency to reward friends and punish enemies by appointments and removals," he says:

"Indeed, the principle, if avowed without the practice or practiced without the avowal, could not fail to degrade any Administration; both together, completely so."<sup>2</sup>

At another time he declares:

"The right of suffrage, the rule of apportioning representation, and the mode of appointing to and removing from office, are fundamentals in a free government and ought to be fixed by the Constitution."<sup>3</sup>

Five years before he became President, Mr. John Quincy Adams, then Secretary of State, had written in his diary:

"There is something so gross and so repugnant to my feelings in this cormorant appetite for office, this barefaced and repeated effort to get an old and meritorious public servant turned out of place by a bankrupt to get into it, that it needed all my sense of the allowances to be made for sharp want, and of the tenderness due to misfortune, to suppress my indignation."<sup>4</sup>

Again in 1821:

"About one-half the members of Congress are seekers for office at the nomination of the President. Of the remainder at least one-half have some appointment or favor to ask for their relatives."<sup>5</sup>

That his views did not change with his election to the Presidency is shown by this entry:

"There is no time so ill employed as that of listening to the self-eulogium and importunities of these solicitors for petty offices when there are none to bestow. Their eagerness to obtain a promise, and their propensity to construe every kind word into one, make it necessary to be reserved when conversing with them; and this becomes, in their estimation, chilling frigidity."<sup>6</sup>

Perhaps the best testimony that could be adduced to show the freedom of his Administration from any just charge of abuse of the power of appointment and removal is that of Thomas H. Benton, who says:

"Of those officials appointed by his predecessor, it is probable that Mr. Adams did not remove one for political cause. \* \* \* I was a close observer of Mr. Adams's Administration, and belonged to the opposition, which was then keen and powerful, and permitted nothing to escape which could be rightfully, sometimes wrongfully, employed against him; yet I never heard of this accusation, and have no knowledge or recollection at this time of a single instance on which it could be founded."<sup>7</sup>

<sup>1</sup> Writings of Jefferson, Vol. IV. pp. 401, 451.

<sup>2</sup> Works of Madison, IV, p. 357.

<sup>3</sup> Same, p. 385.

<sup>4</sup> Memoirs of J. Q. Adams, Vol. V, p. 24; entry in diary on the day G. A. Otis tried to have Mr. Maury, consul at Liverpool, removed.

<sup>5</sup> Same, Vol. V, p. 238.

<sup>6</sup> Same, Vol. VII, p. 255.

<sup>7</sup> Benton's Thirty Years' View, Vol. I, p. 159.

The same statesman near the close of his long public life deprecated the treatment of the public service then prevailing, in the following language:

"Government was instituted for the protection of individuals, not for their support. Office was to be given upon qualifications to fill it, not upon the personal wants of the recipients. Proper persons were to be sought out and appointed; and importunate suppliants were not to beg themselves into an office which belonged to the public and was only to be administered for the public good. Such was the theory of the Government. Practice has reversed it. Now office is sought for support and for the repair of dilapidated fortunes; applicants obtrude themselves and prefer 'claims' to office. Their personal condition and party services, not qualifications, are made the basis of the demand; and the crowds which congregate at Washington at the change of an Administration, supplicants for office, are humiliating to behold, and threaten to change the contests of parties from a contest for principle into a struggle for plunder."<sup>1</sup>

Mr. Adams's election by the House, in consequence of the failure of the electors to choose a President, aroused much feeling. There had been four candidates—Jackson, with 99 electoral votes; Adams, with 84; Crawford, with 41, and Clay, with 37. The supporters of the defeated candidates were therefore in a critical frame of mind, and the dismissal of a few officers by Adams in the first year of his term evoked violent resentment. These facts seem inadequate to account for the appointment at this time of a committee to investigate the conduct of the Executive Departments, unless it be assumed that the movers were actuated by spite. Benton made the only speech upon the subject. The report reads more like a remarkable prophecy than a statement of the facts at that time. Yet the fact remains that the Senate, early in 1826, appointed a Select Committee on Executive Patronage, consisting of Senators Benton, of Missouri; Macon, of South Carolina; Van Buren, of New York, afterwards President; Dickerson, of New Jersey; White, of Tennessee; Holmes, of Maine; Hayne, of South Carolina, and Findley, of Pennsylvania.

This committee collected statistics through the heads of departments of the number employed and the amount of the salaries paid in each department, which, it declared, would show that the workings of patronage "will contaminate the purity of all elections and enable the Federal Government eventually to govern throughout the States as effectually as if they were so many provinces of one vast empire," making the further statement that "the whole of this vast power will center in the President. The King of England is the 'fountain of honor;' the President of the United States is the source of patronage. \* \* \* We must then look forward to the time when \* \* \* the nomination by the President can carry any man through the Senate, and his recommendation can carry any measure through the two Houses of Congress; when the principle of public action will be open and avowed—the President wants my vote, and I want his patronage; I will vote as he wishes and he will give me the office I wish for."<sup>2</sup>

The act of 1820, declares the committee, "by vacating almost the entire civil list once in every period of a Presidential term of service, places more offices at the command of the President than were known to the Constitution at the time of its adoption."<sup>3</sup>

The committee proposed six bills for restricting the Executive patronage: First, to regulate the public printing, which was at the time distributed among various concerns as the President desired; second, to retain faithful revenue officers and displace defaulters; third, to regulate the appointment of postmasters; fourth, of cadets; fifth, of midshipmen; sixth, to prevent dismissals of the officers of the Army and Navy at the pleasure of the President.<sup>4</sup>

<sup>1</sup> Benton's *Thirty Years' View*, Vol. I, p. 81.

<sup>2</sup> Report of the Committee on Retrenchment, by Senator Morehead, 28th Cong., 1st sess., Senate Doc. 399, Vol. VII, pp. 97-98.

<sup>3</sup> Same report, p. 99.

<sup>4</sup> Same report, p. 328.

The first of these bills was tabled because of the illness of Mr. Macon, who had led the appointment of the committee, and it does not appear that their consideration was ever resumed.

### THE TENURE OF OFFICE ACT OF 1820.

An act to limit the term of office of certain officers named therein, and for other purposes," approved May 15, 1820, provided in its first section "That from and after passing of this act all district attorneys, collectors of the customs, navy agents, receivers of public moneys for lands, registers of the land office, paymasters in the army, the apothecary-general, the assistant apothecaries-general, and the commissary-general of purchases shall be appointed for the term of four years, but shall be removable from office at pleasure." Section 2 determined the dates upon which the commissions of the above-named officers should expire. Under its provisions all commissions dated before October 1, 1816, were to expire before October 1, 1822, and other commissions were to terminate four years from their respective dates. Section 3 authorized the President to increase the sums for which bonds should be given, and section 4 required the commissions of all revenue officers to be made out and recorded in the Treasury Department, and, after signature of the President, sealed with its seal.

This act is one of the most striking illustrations in our history of legislation attaining its own purpose. Prior to its passage there had been instances of defalcation on the part of officers handling public moneys. The purpose of the bill, as adopted by Congress, by President Monroe, and by the public generally, was to require a periodical examination of the official character of every such officer. It was supposed that efficient, honest officers would be reappointed, while the inefficient and dishonest would be permanently separated from the service by the operation of the law. That this was the generally accepted purport of the law is shown by the promptness of Monroe in signing it, and by the ease with which it passed through Congress, apparently without interest, without debate, and with little opposition. December 16, 1819, Mr. Dickerson, in the Senate, moved that the Committee on Finance consider the expediency of limiting the term of office of certain officers. April 20, 1820, a bill was brought in, read twice, and ordered engrossed for a third reading, by a vote of 29 to 4; and on the 8th of May it passed the Senate. The next day it was read twice in the House, and referred to committee; and on the 11th it was reported without amendment, committed to a Committee of the Whole House for the next morning, when it was rushed through without amendment or debate, receiving President's signature on the last day of the session.<sup>1</sup>

This was the first step in the introduction of the spoils system, though its natural effects were delayed nine years by the uniform practice of Monroe and Adams to reappoint worthy officers whose terms expired under it. The inside history of the adoption of this momentous piece of legislation is written so clearly by John Quincy Adams in his diary, under date of February 7, 1828, that it is given at length. It may be observed that at the date of this entry the abuses which were later to make the act notorious had not taken place, that Mr. Adams was criticising an act of his own party, and that he was pointing out the possibilities under it, there having been no results.

Mr. Tracy, member of the House of Representatives, was here this morning and I made some inquiries respecting the principle of reappointment to offices the tenure of which is limited to four years. I told him that the act of Congress of 15th May, 1820, by which all the officers employed in the collection of revenue were thus limited, had not answered the purpose for which it was intended; that the ostensible object under color of which it had been carried through Congress had been to secure the accountability of those officers, for which other enactments would have been

<sup>1</sup> *Annals*, vol. 35, p. 25; and *Annals* 16th, 1st, v. 221A.

much better suited; that its real and immediate object was to promote the election of W. H. Crawford as President of the United States in 1825. It placed the whole body of Executive officers of the General Government throughout the Union at the mercy, for their continuance in office, of the Secretary of the Treasury and of a majority of the Senate. It was drawn up by Mr. Crawford, as he himself told me. It was introduced into the senate by Mahlon Dickerson, of New Jersey, then one of his devoted partisans, and its design was to secure for Mr. Crawford the influence of all the incumbents in office at the peril of displacement, and of five or ten times an equal number of ravenous office seekers eager to supplant them. \* \* \*

"Mr. Monroe unwarily signed the bill, without adverting to its real character. He told me that Mr. Madison considered it as in principle unconstitutional. \* \* \* If they could be limited to four years they might be to one—to a month—to a day—and the Executive power might thus be annihilated. Mr. Monroe himself inclined to the same opinion, but the question had not occurred to him when he signed the bill. In carrying the act into execution he adopted the principle of renominating every officer at the expiration of his commission, unless some charge of misdemeanor should be adduced and proved against him, and during the last eighteen months of that Administration Mr. Crawford was disabled, both physically and politically, from making the use of this act which he had intended. I have proceeded upon the principle established by Mr. Monroe, and have renominated every officer, friend or foe, against whom no specific charge of misconduct has been brought."

Mr. Jefferson, writing to Mr. Madison in 1820, says of this law :

"It will keep in constant excitement all the hungry cormorants for office; render them, as well as those in place, sycophants to their Senators; engage these in eternal intrigue to turn out one and put in another, in cabals to swap work, and make of them what all executive directories become, mere sinks of corruption and faction."

#### ABUSES IN THE CIVIL SERVICE AND OPINIONS OF CONTEMPORARY STATESMEN.

The inauguration of Jackson and the spoils system are popularly supposed to have occurred at the same time, although some have asserted that the principles of the system were introduced during the Administrations of Jefferson. This claim rests principally upon Jefferson's refusal to acquiesce in the appointments made by his predecessor in the last days of his term, after the result of the elections was known, and especially on the removal of Mr. Goodrich, the collector at New Haven, also a late appointment, actions which seem to have been not without some justification. Admitting all that is claimed by the supporters of this view, it is difficult to find in the 56 removals of Jefferson, averaging only 7 per annum, a precedent for the removal by Jackson of 2,000 principal and subordinate officers during the first year of his first term.

The closing paragraph of a letter written by Jackson, under date of November 16, 1812, to President-elect Monroe, is interesting when compared with his subsequent treatment of the civil service.

"Upon every selection party and party feeling should be avoided. Now is the time to exterminate that monster—party spirit. By selecting characters most conspicuous for their probity, virtue, capacity, and firmness, without regard to party, you will go far to eradicate those feelings which, on former occasions, threw so many obstacles in the way of government, and perhaps have the pleasure and honor of uniting a people heretofore politically divided. The chief magistrate of a great and powerful nation should never indulge in party feelings. His conduct should be liberal and disinterested; always bearing in mind that he acts for the whole and not a part of the community. By this course you will exalt the national character

<sup>1</sup> J. Q. Adams, *Memoirs*, VII, pp. 424-425.

<sup>2</sup> Jefferson's *Writings*, VII, p. 190.



and acquire for yourself a name as imperishable as the monumental marble. Consult no party in your choice; pursue the dictates of that unerring judgment which has so long and so often benefited our country and rendered illustrious its rulers."<sup>1</sup>

It is difficult to believe these words written by a man who, twelve years later, was to overturn the whole system of appointments so carefully and conscientiously adhered to from the foundation of the Government.

The sudden appearance in the service of the spoils system under President Jackson is explained by the fact that it was not of native growth in our national politics, but an importation. Aaron Burr had devised the *machine* and laid deep the foundations of party patronage in New York State, long before their appearance in national affairs. "Among the maxims of Colonel Burr for the guidance of politicians, one of the most prominent was that the people at elections were to be managed by the same rules of discipline as the soldiers of an army; that a few leaders were to think for the masses, and that the latter were to obey implicitly their leaders and to move only at the word of command."<sup>2</sup>

According to the Burrian code, as named and explained by Parton, politics is a game, the prizes of which are offices and contracts; fidelity to party is the sole virtue of the politician; little men are to be put up, being manageable, and great men are to be kept down, being perilous, even as tools, because they have ideas and convictions.<sup>3</sup>

Martin Van Buren, a political pupil of Burr, made such adroit use of the principles of the new school that in 1808 he received the office of surrogate of Columbia County as reward for his support of Tompkins for governor, thus furnishing the first case on record of an office pledged and delivered for political support.<sup>4</sup>

In 1818 Mr. Van Buren set on foot a new organization of the Democratic party in the State of New York, and became the ruling spirit of a coterie of able politicians known as the Albany Regency, among whom B. F. Butler, W. L. Marcy, and Edwin Croswell were afterwards prominent.<sup>5</sup> "All questions relative to the selection of candidates for elective offices, either by the people or the legislature, were settled in caucus, and every member of the party was in honor bound to support the decisions of the assemblies."<sup>6</sup> The regency was superseded by Tammany Hall, which, in 1827, dominated the primary elections.<sup>7</sup> The results of this system in New York will be treated of hereafter.

To the extent of his opportunities, as a Senator in 1821, Mr. Van Buren inaugurated Burr's system in Washington, but it was not put in full operation in national affairs until he became Secretary of State under Jackson in 1829. In 1822 he entered a new field of statesmanship, urging the appointment of a postmaster at Albany for mere partisan reasons.<sup>8</sup>

No doubts existed in the minds of his contemporaries as to his responsibility for the introduction of the system so odious to them. Mr. Clay, in a speech in the Senate, in January, 1832, in opposition to the confirmation of Mr. Van Buren as minister to England, said:

"I believe, upon circumstances which satisfy my mind, that to this gentleman is principally to be ascribed the introduction of the odious system of proscription for the exercise of the elective franchise in the Government of the United States. I understand that it is the system on which the party in his own State, of which he is the reputed head, constantly acts. He was among the first of the Secretaries to apply that system to the dismissal of clerks in his Department, known to me to be

<sup>1</sup> Gale and Seaton, *Debates*, Vol. VI, Part I, p. 389.

<sup>2</sup> *Statesman's Manual*, Vol. II, p. 1139.

<sup>3</sup> *Parton's Life of Jackson*, Vol. III, pp. 122, 123.

<sup>4</sup> Dorman B. Eaton in House Ex. Doc. No. 94, 46th Cong., 3d sess., p. 6.

<sup>5</sup> Same, p. 7.

<sup>6</sup> *Hammond's Political History of New York*, Vol. II, p. 429.

<sup>7</sup> Eaton, House Ex. Doc. No. 97, p. 7.

<sup>8</sup> Same, Doc. No. 94, 46th Cong., 3d sess., p. 7.

highly meritorious, and among them one who is now a Representative in the other House. It is a detestable system, drawn from the worst periods of the Roman Republic, and if it were to be perpetuated; if the offices, honors, and dignities of the people were to be put up to a scramble, to be decided by the result of every Presidential election, our Government and institutions, becoming intolerable, would finally end in a despotism as inexorable as that at Constantinople."<sup>1</sup>

The opposition to Mr. Van Buren's confirmation had, up to the time of this speech, been based upon his instructions, while Secretary of State, to our minister to England concerning our trade with the British West Indies. These instructions were by many Senators deemed conciliatory to the point of weakness, and by the minority as reflecting on the policy of the preceding Administration. Mr. Clay thus gave the debate an entirely different direction, and it was this attack, entirely unexpected, which called from Mr. Marcy the famous or infamous declaration, so often quoted, attacked, and defended:

"It may be, sir, that the politicians of the United States are not so fastidious as some gentlemen are, as to disclosing the principles on which they act. They boldly preach what they practice. When they are contending for victory they avow their intention of enjoying the fruits of it. If they are defeated, they expect to retire from office. If they are successful, they claim as a matter of right the advantages of success. They see nothing wrong in the rule that to the victor belong the spoils of the enemy."<sup>2</sup> It is worthy of note that this was not a deliberate statement of policy, carefully considered and formulated, but rather an extemporaneous attempt to parry an unexpected thrust.

Senator Foot thus expressed himself in the same debate:

"In my opinion, there is not a Senator on this floor, or any other careful observer, who has noticed the proceedings of this Administration from its commencement, who is not fully convinced that there has been 'behind the throne a power greater than the throne itself,' which has directed most of its movements. \* \* \* I sincerely believe that General Jackson came to this place fully determined to remove no man from office but for good cause of removal. I am fully convinced that the whole 'system of proscription' owes its existence to Martin Van Buren."<sup>3</sup>

✓ Senator Poindexter, of Mississippi:

"The proscriptive policy, pushed as it was to extremities, which the public interests did not seem to require, and far beyond the practice of any other Chief Magistrate, has been universally attributed to the advice and influence of Mr. Van Buren."<sup>4</sup>

By Mr. Smith, of Maryland:

"I am opposed to removals from office for opinions declared. But, sir, I would remove any officer who made use of his office to force inferiors to act contrary to their wishes."<sup>5</sup>

S. D. Miller, of South Carolina:

"In the South the proscriptive system never was adopted, nor could it be. It is so odious; so much at war with the principles of justice, that no administration could venture to adopt it in South Carolina. For my own part, I do not think the power to turn out one man and put in another as a mere arbitrary exertion of Executive authority does exist. I think it a violation of the Constitution. \* \* \* It is the essence of tyranny. \* \* \* It is at war with civil liberty and the genius of our institutions. \* \* \* I am perfectly satisfied that this practice has been introduced in its most corrupt form and brought secretly to bear upon the President by a regency left here in the interest of the nominee."<sup>6</sup>

Senator Gabriel Moore, of Alabama:

"The proud people whose representative I am are too patriotic to wink at a compromise of the nation's honor, too virtuous to encourage intrigue and corruption. \* \* \* No man in the nation can boast sincerer friendship for the Execu-

<sup>1</sup> Gale & Seaton Debates, Vol. VIII, part 1, p. 1324.

<sup>2</sup> Same, Vol. VIII, p. 1324.

<sup>3</sup> Same, p. 1328.

<sup>4</sup> Same, p. 1342.

<sup>5</sup> Same, p. 1363.

<sup>6</sup> Same, p. 1372.

tive than I can; no man in the dark hour of trial was more fervent in his support; but, sir, I can not obey the slavish dictates of party discipline."<sup>1</sup>

The following story, told by Parton, seems to strengthen the conclusions reached by the Senators above quoted: Six weeks before his death Jackson asked the Rev. Dr. Edgar, "What will posterity blame me for most?" Dr. Edgar replied, "I think posterity will blame you most for proscribing people for opinion's sake. In Kentucky every Adams man was turned out of office except one, and he resigned because he said he should have to bear the blame of all the rascality done in the State." General Jackson replied that during all his Presidency he had turned but one subordinate out of office by an act of direct personal authority, and he was a postmaster. Upon Dr. Edgar's expression of surprise he repeated the statement.<sup>2</sup>

There are numerous indications that the Senators above quoted correctly placed the responsibility for the introduction of the spoils system. Its presence for many years in New York preceding the election of General Jackson; its absence from the national civil service; the occupation by its chief supporter of the highest position in the Cabinet; Jackson's early letter to Monroe against partisanship in appointments and removals; his denial shortly before death, as stated above, of direct responsibility for the many removals made during his Administrations; his affectionate, irritable, impetuous disposition, which made him peculiarly susceptible to adroit and pernicious influences;—all these facts corroborate the charges made against Mr. Van Buren.

The comments of the historian, Schouler, rather favor this conclusion:

"Van Buren earned most from his intimacy, playing the faithful hound, and it cost him dearly in the end. The circle surrounding the old man (Jackson) fed him with gross flattery. All this gave soon the smirch to decent self-respect. Personalism came to tincture all politics, all policies, all politicians, under his arbitrary and exacting Administration; and the painted Jezebel of party patronage seized upon the public trusts for her favorites. Such a state of things was sure to breed corruption sooner or later. Prætorian bands showed the first symptoms of Rome's decay; bands of officeholders, united by the necessity of keeping the spoils and salaries from other hands equally ravenous, may prove an early symptom of our own if the people submit to it. Personally honest and unstained by bribery, Jackson played, nevertheless, into the hands of others who traded upon his violence; greedy followers milked the offices they had gained by partisan service."<sup>3</sup>

The first inaugural address of Jackson, March 4, 1829, contained this paragraph:

"The recent demonstration of public sentiment inscribes on the list of Executive duties, in characters too legible to be overlooked, the task of *reform*, which will require particularly the correction of those abuses that have brought the patronage of the Federal Government into conflict with the freedom of elections, and the counteraction of those causes which have disturbed the rightful course of appointment and have placed or continued power in unfaithful or incompetent hands."<sup>4</sup>

Having discovered the need of reform and the conflict between patronage and freedom of elections, he proceeded to remedy the matter by wholesale removals and the appointment of partisan incompetents. The corrupt methods of Washington, Jefferson, Madison, Monroe, and the Adamses were now to be purified, and the baneful influence of patronage upon elections was to cease. In spite of this beautiful prospectus, however, there were men who averred that Jackson had no abuses to correct; that his political friends had their full share of offices at the time of his inauguration; that his predecessor had been as likely to appoint a political enemy as a friend; and that the fact that there had been in the history of the Government only seventy-three removals of officers confirmed by the Senate disproved the assertion that the patronage had been used to influence elections.

<sup>1</sup> Gale & Seaton Debates, Vol. VIII, pp. 1335-1336.

<sup>2</sup> Parton, Life of Jackson, Vol. III, p. 669.

<sup>3</sup> History of the United States, by James Schouler, Vol. IV, pp. 269, 270.

<sup>4</sup> Messages of the Presidents, by J. D. Richardson, Vol. II, p. 438.

The line of reasoning by which he tried to justify his treatment of the public offices is more or less clearly shown in his first annual message, December 8, 1829:

"There are, perhaps, few men who can for any great length of time enjoy office and power without being more or less under the influence of feelings unfavorable to the faithful discharge of their public duties. \* \* \* The duties of all public officers are, or, at least, admit of being made, so plain and simple that men of intelligence may readily qualify themselves for their performance; and I can not but believe that more is lost by the long continuance of men in office than is generally to be gained by their experience. I submit, therefore, to your consideration whether the efficiency of the Government would not be promoted and official honesty and integrity better secured by a general extension of the law which limits appointments to four years.

"In a country where offices are created solely for the benefit of the people no one man has any more intrinsic right to official station than another. Offices were not established to give support to particular men at the public expense. No individual wrong is, therefore, done by removal, since neither appointment to nor continuance in office is matter of right. The incumbent became an officer with a view to public benefits, and when these require his removal they are not to be sacrificed to private interests. It is the people, and they alone, who have a right to complain when a bad officer is substituted for a good one. He who is removed has the same means of obtaining a living that are enjoyed by the millions who never held office. The proposed limitation would destroy the idea of property now so generally connected with official station, and although individual distress may be sometimes produced, it would, by promoting that rotation which constitutes a leading principle in the republican creed, give healthful action to the system."<sup>1</sup>

It is interesting to note the result of the application of these principles.

Within two months the custom-houses of the principal cities had been "reformed." Clerks were removed without charges and without warning. As early as March 14, 1829, John Q. Adams wrote in his diary:

"To feed the cormorant appetite for place, and to reward the prostitution of canvassing defamers, are the only principles yet discernible in the conduct of the President, and indecision and instability are already strongly marked in his movements."<sup>2</sup>

In another entry, dated April 16, after stating that he has been talking with Dr. Huntt "upon the only subject which now furnishes materials for conversation at Washington, which is the removals and new appointments to office," he writes:

"They are effected a few at a time, and in such a manner as to keep up a constant agitation and alarm among the officeholders. \* \* \* The appointments, almost without exception, are conferred upon the vilest purveyors of slander during the late electioneering campaign, and an excessive disproportion of places is given to the editors of the foulest presses. Very few respectable appointments have been made, and those confined to those who were indispensably necessary to the office."<sup>3</sup>

April 25 his diary reads:

"The proscriptions from office continue, and independent of the direct misery that they produce, have indirectly tragical effects. A clerk in the War Office, named Henshaw, who was a strong partisan for Jackson's election, three days since cut his throat from ear to ear, from the mere terror of being dismissed. Linneus Smith, of the Department of State, one of the best clerks under the Government, has gone raving distracted, and others are said to be threatened with the same calamity."<sup>4</sup>

Again, under date of April 27:

"The removals from office are continuing with great perseverance. The custom-houses at Boston, New York, and Philadelphia have been swept clear, also at Ports-

<sup>1</sup> Messages of the Presidents, by J. S. Richardson, Vol. II, pp. 448-449.

<sup>2</sup> Memoirs, Vol. VIII, p. 113.

<sup>3</sup> Same, p. 138.

<sup>4</sup> Same, p. 144.

mouth, N. H., and New Orleans. The appointments are exclusively of violent partisans; and every editor of a scurrilous and slanderous newspaper is provided for.”<sup>1</sup>

May 1, 1829:

“Everyone is in breathless expectation, trembling at heart, and afraid to speak. Some of the dismissions are deserved; from age, from incapacity, from intemperance, from irregularities of private life; and these are made the pretext for justifying all the removals.”<sup>2</sup>

Writing, January 17, 1830, of a conversation with Mr. White, of Florida, regarding twelve appointments of Jackson in that Territory, Mr. Adams says:

“They are all bad and extremely odious to the people of the Territory. White was repeating to me the characters which he gave of them, one after the other, to the General, and if he had extracted the quintessence of all the penitentiaries of the Union to represent the virtues of the Government in Florida he could not have made the appointments worse.”<sup>3</sup>

In his entry for May 20, 1830, he says:

“The offices throughout the Union have been considered as spoils of victory, and they have been distributed to sycophants and slanderers, apparently without inquiry as to the qualification of integrity at all, and very little as to talent.”<sup>4</sup>

“Jackson rides roughshod over all the rights and powers of the Senate relating to appointments. Many of his own party in the Senate are disgusted with him for it; but they dare not oppose him.”<sup>5</sup>

Such was the arraignment of Jackson by a President who made fewer removals than any other one in our history; who, according to Thomas H. Benton, a friend and apologist of Jackson, never made an appointment for political reasons; and who looked with loathing upon efforts made during his service as Secretary of State to get an old and meritorious public servant turned out of place.

“During forty years,” says Mr. Holmes, in the Senate, “and under six different Presidents, we can find but seventy-three removals, not averaging two in each year. Long as the period and imperfect as the history, we have ascertained good causes for nearly half, and it is fair to infer that there were causes equally good for the removal of most of the rest. \* \* \* In one short month this Executive removed more than had been removed for the whole forty years; and in one short year more than three times that number.”<sup>6</sup>

“One-eighth of the last and this Senate, and a large number of the members of the other House, have been appointed to important offices, and this, too, against General Jackson’s own solemn pledge; and, after this, never tell me that the remedy for any abuse of power is impeachment.”<sup>7</sup>

All the principal revenue officers, and 25 subordinates, were displaced in New York City, and about 25 new offices were added. Of 37 district attorneys in the State of Maine, 17 were removed; of 36 marshals 15 were removed. It has been estimated that 2,000 removals were made by Jackson in the first year of his term.<sup>8</sup>

After nearly five years of great activity on the part of this “reform” President there is on record a list of 183 defaulters, from January, 1834, to October, 1837.<sup>9</sup>

Mr. Holmes offered five resolutions in line with his speech; they declared against the President removing officers unnecessarily and filling their places during a recess of the Senate; they affirmed the right of the Senate to inquire into the causes of such removals; that such removals generally seemed to be without cause; and that a list of displaced officers should be furnished to the Senate. Their consideration was postponed indefinitely by a vote of 24 to 21.

Another set of resolutions, called out by Jackson’s exercise of the power of appointment and removal, was introduced by Mr. Barton in the Senate March 5, 1830. They

<sup>1</sup> Memoirs, Vol. VIII, pp. 144-45.

<sup>2</sup> Same, p. 149.

<sup>3</sup> Same, p. 172.

<sup>4</sup> Same, p. 228.

<sup>5</sup> Same, p. 206.

<sup>6</sup> G. & S. Register of Debates, Vol. VI, part 1, p. 392.

<sup>7</sup> Same, p. 387.

<sup>8</sup> Same, pp. 393-394.

<sup>9</sup> House Doc. No. 111, 25th Cong., 2d sess.



admitted the necessity of the power of removal by the President, "to insure due execution of the laws," but declared against "removals to fill places by partisans and adherents," and that it was the right and duty of the Senate to inquire into the causes of such removals.<sup>1</sup>

January 26, 1832, Mr. Ewing laid the following resolutions on the table for consideration: "*Resolved*, That the practice of removing public officers by the President, for any other purpose than that of securing the faithful execution of the laws, is hostile to the spirit of the Constitution—was never contemplated by its framers—is a daring extension of Executive influence—is prejudicial to the public service, and dangerous to the liberties of the people." The second resolution declared that it was inexpedient to confirm a nomination until the cause of the removal of the former incumbent was known. These resolutions were ordered printed, but were not discussed.<sup>2</sup>

March 7, 1834, Senator Clay offered resolutions to the effect that the Constitution does not vest power in the President to remove at pleasure; that in all cases of offices created by law, whose tenure is not fixed by the Constitution, Congress may prescribe the tenure, terms, and conditions on which they are to be held; that, with the exception of diplomatic appointments, all officers confirmed by the Senate should be removable only with its concurrence, suspension by the President to be allowed during recess of the Senate; and that all deputy postmasters whose emoluments exceeded a prescribed amount should receive Senatorial confirmation.<sup>3</sup>

✓ On January 6, 1835, the Senate adopted a resolution of John C. Calhoun, "That a select committee be appointed to inquire into the extent of executive patronage, the circumstances which have contributed to its great increase of late, the expediency and practicability of reducing the same, and the means of such reduction." The Senate selected by ballot the six members of this committee, Messrs. Calhoun, Southard, Bibb, Webster, Benton, and King, of Georgia. The fact that this committee was composed of Democrats, Republicans, and Nullifiers (two each) was proof, as well remarked by Mr. Bibb, of its nonpartisan character.<sup>4</sup>

A month later the committee brought in its report, finding most prominent among the causes which had contributed to the recent rapid growth of patronage, the great increase in expenditure, from \$11,490,460 in 1825, to \$22,713,755 in 1833, and a corresponding increase in the number of officers dependent upon the Government.<sup>5</sup>

This conclusion of the committee appears to have been well founded. In 1820 the population of the United States was 9,633,822; in 1830 it had increased to 12,866,020. Thus, while the population had increased only about one-third the expenditures had nearly doubled; or, the expenses had increased nearly three times as fast as the population.

The second cause of the growth of patronage was found in the extinguishment of the Indian title to a vast quantity of public land, and the consequent increase in the number of officers connected therewith. But at the head of all causes the committee placed "the practice so greatly extended, if not for the first time introduced, of removing from office persons well qualified, and who had faithfully performed their duty, in order to fill their places with those who are recommended on the ground that they belong to the party in power."<sup>6</sup>

The high ground taken by the committee justifies considerable extracts from their report.

"Your committee \* \* \* trust that they are incapable of shrinking from the performance of the important and solemn duty confided to them, of thoroughly investigating to the bottom a subject involving, as they believe, the fate of our political institutions and the liberty of the country. \* \* \* So long as offices

<sup>1</sup> Senate Doc. 103, 21st Cong., 1st sess.

<sup>2</sup> G. & S., Register of Debates, Vol. VIII, part 1, p. 181.

<sup>3</sup> Same, Vol. X, part 1, p. 836.

<sup>4</sup> Senate Doc. 108, 23d Cong., 2d sess., Vol. III, p. 2.

<sup>5</sup> Same, p. 2.

were considered as public trusts, to be conferred on the honest, the faithful and capable, for the common good, and not for the benefit or gain of the incumbent or his party, and so long as it was the practice of the Government to continue in office those who faithfully performed their duties, its patronage, in point of fact, was limited to the mere power of nominating to accidental vacancies, or to newly created offices. \* \* \* But when this practice was reversed—when offices, instead of being considered as public trusts, to be conferred on the deserving, were regarded as the spoils of victory, to be bestowed as rewards for partisan services, without respect to merit; when it came to be understood that all who hold office hold by the tenure of partisan zeal and party service—it is easy to see that the certain, direct, and inevitable tendency of such a state of things is to convert the entire body of those in office into corrupt and supple instruments of power, and to raise up a host of hungry, greedy, and subservient partisans, ready for every service, however base and corrupt. Were a premium offered for the best means \* \* \* to prepare for the subversion of liberty and the establishment of despotism no scheme more perfect could be devised.”<sup>1</sup>

The committee found in the ability of the President to deposit the public moneys in banks of his own selection, an engine of tremendous power and influence; they estimated the interest on these deposits to be worth over \$400,000 per annum; and finding it impracticable to reduce the revenues, they proposed a constitutional amendment to permit the distribution of the surplus among the several States and Territories, to each State according to the number of its Senators and Representatives, and to each Territory two shares.<sup>2</sup>

They reported a bill which provided in its first section that the first two sections of the act of 1820, limiting the tenure of certain offices, should be repealed; in its second section that the offices of all who fail to account for the moneys entrusted to them should be vacated every fourth year, upon receipt by the Senate of a statement of their accounts by the President; and in its third section that each nomination of an officer should be accompanied by a statement of the reasons for removing his predecessor.<sup>3</sup>

The committee closed its report with this warning:

“The disease is daily becoming more aggravated and dangerous; and if it be permitted to progress for a few years longer, with the rapidity with which it has of late advanced, it will soon pass beyond the reach of remedy. This is no party question. Every lover of his country and of its institutions, be his party what it may, must see and deplore the rapid growth of patronage, with all its attending evils, and the catastrophe which awaits its further progress, if not timely arrested. The question now is, not how, or where, or with whom the danger originated, but how it is to be arrested; not the cause, but the remedy; not how our institutions have been endangered, but how they are to be rescued.”<sup>4</sup>

Mr. Calhoun, in his speech in the Senate, opening debate on the bill proposing the repeal of the act of 1820 limiting the tenure of certain offices, said:

“This is not the first time that the measure now under consideration has been before the Senate. It was introduced eight years ago on the report of a select committee then raised on Executive patronage, as one of the measures then thought necessary to curtail what at that time was thought to be the excessive patronage of the Executive. The party then in opposition, and now in power, then pledged themselves to the community that should they be elevated to power they would administer the Government on the principles laid down in the report. \* \* \* How has the plighted faith of the party been fulfilled? Have the abuses then denounced been corrected? Has the four-years’ law been repealed? \* \* \* Has the exercise of the dismissing power by the President, which was then pronounced to be a dan-

<sup>1</sup> Senate Doc. 108, 23d Cong., 2d sess., Vol. III, p. 3.

<sup>2</sup> Same, p. 21.

<sup>3</sup> Same, p. 22.

<sup>4</sup> Same, p. 24.

gerous violation of the Constitution, been restored to Congress? All these pledges have been forgotten."<sup>1</sup>

Mr. Ewing supported the repeal of the sections of the act of 1820 limiting the tenure of office, and argued at length to show that the Constitution does not confer the power of removal solely on the President.<sup>2</sup>

Mr. Clay "hoped the Senator in his eye would come out on this question, and let it be seen if there was anyone on this floor who would rise and assert that the President had the power, without any ground, even of constitutional implication, to remove from office." \* \* \* "I object," said he, "to give the President a band of 100,000 pensioned officers, more efficient as a guard than the Prætorian bands of Rome." He wished section 2 of the bill to declare that the power of removal should be exercised only in concurrence with the Senate; that the President should have the power of suspension when the Senate was not in session, and that the suspended officer should be removed or restored, according to the concurrence or nonconcurrence of the Senate.<sup>3</sup>

In one of his most masterly speeches Mr. Webster supported the bill, making an elaborate argument to show that the Constitution does not vest the power of removal in the President alone. His speech of about 7,000 words on this subject may be read with satisfaction by all Americans who have the welfare of their country at heart, and some of its most striking portions are quoted:

"I believe it to be within the just power of Congress to reverse the decision of 1789. \* \* \* Having no wish to diminish or to control in the slightest degree the constitutional and legal authority of the Presidential office, I yet think that the indirect and vastly increasing influence which it possesses, and which arises from the power of bestowing office and of taking it away again at pleasure, and from the manner in which that power seems now to be systematically exercised, is productive of serious evils. \* \* \* I concur with those who think that \* \* \* there should be a check to the progress of official influence and patronage. \* \* \* Sir, the theory of our institutions is plain; it is that Government is an agency created for the good of the people, and that every person in office is the agent and servant of the people. Offices are created, not for the benefit of those who are to fill them, but for the public convenience."<sup>4</sup>

Mr. Clay, in a long speech in favor of the authority and expediency of passing the bill, said:

"The tendency of this power is to revive the dark ages of feudalism and to render every officer a feudatory. The bravest man in office, whose employment and bread depend upon the will of the President, will quail under the influence of the power of dismissal."<sup>5</sup>

"I, for my part," says Calhoun, "must say that, according to my conception, the true principle is to render those who are charged with mere ministerial offices secure in their places so long as they continue to discharge their duty with ability and integrity." \* \* \* Let the present state of things continue; let it be understood that none are to acquire the public honors or to retain them but by flattery and base compliance, and in a few generations the American character will become utterly corrupt and debased."<sup>7</sup>

The bill passed the Senate by a vote of 31 to 16, supported by such men as Benton, Webster, Clay, Calhoun, Ewing, Southard, and White, all of the distinguished names being recorded in favor of repeal except Buchanan, of Pennsylvania, and Wright, of New York. But the spoils system, supported by the power of the

<sup>1</sup> G. & S., Debates, Vol. XI, part 1, pp. 418-420, 23d Cong., 2d sess.

<sup>2</sup> Same, pp. 440-446.

<sup>3</sup> Same, pp. 454-455.

<sup>4</sup> Same, pp. 453-468.

<sup>5</sup> Same, pp. 514-515.

<sup>6</sup> Same, p. 563.

<sup>7</sup> Same, p. 557.

Administration, was able not only to defeat the measure, but to extend itself. This was done by legislation affecting the post-offices.

Previous to Jackson's Administration the post-offices had been managed on business principles, the Postmaster-General making the necessary appointments and removals. No term having been fixed by law, the tenure had been practically during good behavior. In 1836, the year of Van Buren's election as President, a bill was passed requiring that all postmasters whose compensation was \$1,000 or upward, should be appointed by the President and confirmed by the Senate, their term to be but four years, and their removal to be at the pleasure of the President.

The part played by Mr. Van Buren in the introduction of the spoils system has been indicated already; and his Administration, so far as the civil service is concerned, may be passed over as an annex to that of Jackson. As a part of the logical result of the Jackson-Van Buren régime the condition of affairs in the custom-house and post-office at New York City may be properly inserted here.

Among the swarms of applicants for the collectorship of the port of New York under Jackson were two politicians, Samuel Swartwout and Jesse Hoyt. Swartwout, writing to Hoyt from Washington, a few days after the inauguration, said:

"Whether or not I shall get anything in the general scramble for plunder remains to be proved. I think I shall, if it be only the Bergen light-house. I would recommend you to push like a devil if you expect anything."<sup>1</sup>

Swartwout did get something better than the light-house. He was appointed collector of the port of New York April 25, 1829, during the recess of Congress, and was regularly nominated and confirmed March 29, 1830, for four years. At the end of this period he had \$210,000 of public money not appearing anywhere in his accounts.<sup>2</sup> He was reappointed, however, and at the close of his second term went to Europe "for his health," a defaulter in the amount of \$1,225,705.69.<sup>3</sup> The district attorney, William M. Price, was a defaulter for about \$80,000. Swartwout's old friend, Hoyt, a lawyer from Van Buren's office, succeeded to the collectorship, and the defalcations under him amounted to \$300,000. A Congressional committee was informed that "we clerks consider ourselves as in the service of the collector and not in the service of the United States," and the assistant cashier maintained a stubborn silence "in conformity with the custom-house practice."<sup>4</sup> The cost of collecting the revenues during the Administrations of Jackson and Van Buren increased from 1½ per cent to 2½ per cent under Swartwout and to 5½ per cent under Hoyt.<sup>5</sup>

Such a state of affairs was the logical outcome of the system introduced in New York by Aaron Burr and fostered by Van Buren, and which rendered possible the careers of Barnard, Cardozo, Tweed, McCunn, and Kelly. The most flagrant abuses of the power of appointment and removal prevailed in the custom-house for many years after the defalcations above mentioned.

Mr. Schell, with no experience in custom-house affairs and no special qualifications, was collector from 1858 to 1861, inclusive. Though a Democrat and succeeding a Democrat, he removed 389 of the 690 officials under him. His Republican successor, Mr. Barney, removed 520 of the 702 officers in his office.<sup>6</sup>

When Draper, a Republican, was collector he removed a subordinate as often as every third day for a whole year; Smyth, another Republican, succeeding Draper in 1866, removed 830 of his 903 subordinates at the rate of 3 every four days; Grinnell, of the same party, succeeding Smyth in 1869, removed 510 of the 892 Republican employees in sixteen months, and Murphy, Grinnell's Republican successor in 1870, removed Republicans at the rate of 3 every five days until 338 had been cast out. Thus, during five years, collectors, all belonging to one political party, made

<sup>1</sup> Eaton, House Ex. Doc. 94, 46th Cong., 3d sess., p. 10.

<sup>2</sup> Same, pp. 10-11.

<sup>3</sup> House Ex. Doc. No. 13, 25th Cong., 3d sess., Vol. II, p. 25.

<sup>4</sup> Eaton, House Ex. Doc. No. 94, 46th Cong., 3d sess., p. 10.

<sup>5</sup> Same, p. 11.

<sup>6</sup> Same, p. 14.

1,678 removals in one thousand five hundred and sixty-five secular days. Upon the appointment of Mr. Arthur, in 1871, he put an end to this disgraceful proscription.<sup>1</sup> He removed only 144 of the incompetents and favorites.<sup>2</sup>

President Hayes in 1877 appointed a commission known as the Jay Commission, to investigate the administration of the custom-house and make reports upon the customs administration in New York.<sup>3</sup> This commission made several reports. It cited the case of a gentleman "in high official position" as still urging his favorite henchman for appointment "when he knows he has been dropped three times from the service for cause," and "when he admitted that he had been engaged in defrauding the revenue, yet he writes requesting his appointment." The surveyor made this statement to the commission: "We do not always know the men we are getting. A member of Congress may recommend a man to, and the collector may make the appointment without knowing anything about the man."<sup>4</sup>

Among the natural consequences of the system of appointments the commission mention inefficiency, neglect of duty, inebriety, improper conduct in various ways, want of integrity, accepting bribes, deficiency of business qualifications, delays, and mistakes, "imperiling the safety of the revenues, the interests of the importers, and bringing the service into reproach; men appointed to perform delicate duties requiring especially the qualities of an expert, who were better fitted to hoe and dig, appointments generally at the request of politicians and political associates, in this and other States, with little or no examination into fitness."<sup>5</sup>

"Under the present system the larger number of weighers, who receive \$2,500 per annum, \* \* \* render little, if any, personal service to the Government; \* \* \* the weighers' clerks, receiving \$1,200 per year, in some instances perform no duty; \* \* \* in some districts 60 or 80 persons are employed when 35 would be a sufficient number."<sup>6</sup>

Upon recommendation of the Jay Commission, one-fifth of the whole official force was dismissed, effecting a reduction of \$300,000 a year in salaries and wages. The commission reported that "a statistician in the custom-house estimated that by direct smuggling or undervaluation at least five or six millions a year," in value of silks alone, came in without paying duty, and that the New York Chamber of Commerce estimated that the cost of collecting duties on imports of the value of \$642,000,000 in 1874 was about \$7,000,000. In the same year it cost Great Britain only \$5,000,000 to collect duties on imports valued at \$1,800,000,000. The Jay Commission prepared a table showing that the expense of collecting the customs revenues of the United States had been more than three times as large as in France, more than four times as large as in Germany, and nearly five times as large as in Great Britain."

The following quotation will serve to show the general effect of the spoils system on the affairs of the post-office in New York City:

"It may be said that with few exceptions inefficiency, speculation, partisan intrigue, and needless expense have characterized every period in the post-office affairs in New York from Jackson's Administration to the appointment of Mr. Thomas L. James in March, 1873. \* \* \* For policemen to bring in drunken carriers to empty their pockets of mail before taking them to station houses was among the incidents of post-office experience at New York. Officers are still in service there who have seen half the sorters at a large table too drunk to discharge their duties. \* \* \* When Mr. James came to his place in 1873 there was confusion, rubbish, and demor-

<sup>1</sup> U. S. Civil Service Commission, 1st Report, p. 27.

<sup>2</sup> Eaton, House Ex. Doc. No. 94, 46th Cong., 3d sess., p. 19.

<sup>3</sup> Hon. John Jay, chairman; Mr. Lawrence Turnure, of New York, and Mr. J. H. Robinson, Treasury Department, composed this commission.

<sup>4</sup> Eaton, House Ex. Doc. No. 94, 46th Cong., 3d sess., p. 25.

<sup>5</sup> Same, p. 26.

<sup>6</sup> Same, p. 26.



alization in the office hardly conceivable. From 400 to 600 long-neglected bags of mail were found scattered or piled in various parts of the post-office."<sup>1</sup>

Indications are not wanting to show that William H. Harrison came to the Presidential office with an honest determination to reform the service. His inaugural address, extracts from which follow, discloses such a purpose.

"The great dread of the former (the patriots who opposed the adoption of the Constitution) seems to have been that the reserved powers of the States would be absorbed by those of the Federal Government. \* \* \* There is still an influence at work by which, if not seasonably checked, \* \* \* not only will the State authorities be overshadowed, \* \* \* but the character of that Government, if not its designation, be essentially and radically changed. \* \* \* By making the President the sole distributor of all the patronage of the Government the framers of the Constitution do not appear to have anticipated at how short a period it would become a formidable instrument to control the free operations of the State governments. Of trifling importance at first, it had, early in Mr. Jefferson's Administration, become so powerful as to create great alarm in the mind of that patriot from the potent influence it might exert in controlling the freedom of the elective franchise. \* \* \* Never with my consent shall an officer of the people, compensated for his services out of their pockets, become the pliant instrument of Executive will. \* \* \* The reign of an intolerant spirit of party amongst a free people seldom fails to result in a dangerous accession to the executive power introduced and established amidst unusual professions of devotion to democracy. \* \* \*

"If parties in a republic are necessary to secure a degree of vigilance sufficient to keep the public functionaries within the bounds of law and duty, at that point their usefulness ends. Beyond that they become destructive of public virtue, the parent of a spirit antagonistic to that of liberty, and eventually its inevitable conqueror. \* \* \* It was the beautiful remark of a distinguished English writer that in the Roman senate Octavins had a party and Antony a party, but the Commonwealth had none. Yet the senate continued to meet in the temple of liberty \* \* \* and the people assembled in the forum, not, as in the days of Camillus and the Scipios, to cast their free votes for annual magistrates or pass upon the acts of the senate, but to receive from the hands of the leaders of the respective parties their share of the spoils and to shout for one or the other, as those collected in Gaul or Egypt and the lesser Asia would furnish the larger dividend. The spirit of liberty had fled, \* \* \* and so, under the operation of the same causes and influences, it will fly from our Capitol and our forums. A calamity so awful, not only to our country but to the world, must be deprecated by every patriot, and every tendency to a state of things likely to produce it immediately checked. Such a tendency has existed—does exist."<sup>2</sup>

No Administration ever gave fairer promise of reform than that of President Tyler. In his inaugural address, in 1841, he says:

"The unrestrained power exerted by a selfishly ambitious man in order either to perpetuate his authority or to hand it over to some favorite as his successor, may lead to the employment of all the means within his control to accomplish his object. The right to remove from office, while subjected to no just restraint, is inevitably destined to produce a spirit of crouching servility with the official corps, which, in order to uphold the hand which feeds them, would lead to direct and active interference in the elections, both State and Federal, thereby subjecting the course of State legislation to the dictation of the chief executive officer, and making the will of that officer absolute and supreme. \* \* \* I will remove no incumbent from office who has faithfully and honestly acquitted himself of the duties of his office, except in such cases where such officer has been guilty of an active partisanship, or by secret means—the less manly, and therefore the more objectionable—has given his official

<sup>1</sup> Eaton, House Ex. Doc. No. 94, 46th Cong., 3d ses., pp. 39-40.

<sup>2</sup> Messages of the Presidents, Vol. IV, pp. 11 et seq., Mar. 4, 1841.

influence to the purpose of party, thereby bringing the patronage of the Government in conflict with the freedom of elections."<sup>1</sup>

In his first annual message, December 7, 1841, Mr. Tyler says:

"I feel it my duty to bring under your consideration a practice which has grown up in the administration of the Government, and which, I am deeply convinced, ought to be corrected. I allude to the power which usage rather than reason has vested in the Presidents, of removing incumbents from office in order to substitute others more in favor with the dominant party. My own conduct in this respect has been governed by a conscientious purpose to exercise the removing power only in cases of unfaithfulness or inability, or in those in which its exercise appeared necessary in order to discountenance and suppress that spirit of active partisanship on the part of holders of office which not only withdraws them from the steady and impartial discharge of their official duties, but exerts an undue and injurious influence over elections and degrades the character of the Government itself, inasmuch as it exhibits the Chief Magistrate as being a party, through his agents, in the secret plots or open workings of political parties."<sup>2</sup>

Although President Tyler made many removals early in his term, 241 high officers having been displaced within the first four months, the fact should not be taken to indicate a reversion to the policy of Jackson; on the contrary, the removals were rendered necessary by the wholesale appointment of incompetents during the twelve years preceding, and might have been much more numerous, with benefit to the service. It is charged against him, however, that having failed to secure a reelection by a judicious use of the offices at his disposal, he revenged himself upon the opposing party by wholesale removals, and the number of dismissals after his reelection was seen to be impossible, gives great weight to the accusation.

A committee of five, appointed June 17, 1841, by the House of Representatives, to examine into the number of employees, modes of business, expenditures in the several Departments at Washington, and at other points at discretion, "and to report whether reductions in the number of employees or expenses may be made, and whether the executive patronage may not be diminished or regulated as to those appointments which are necessary," reported May 23, 1842. The committee consisted of Thomas W. Gilmer, of Virginia; Joseph F. Randolph, New Jersey; John Maynard, New York; William W. Irwin, Pennsylvania, and Richard D. Davis, New York.

Specific resolutions of inquiry, which the committee adopted and addressed to heads of Departments, to collectors of ports, and to postmasters at the principal cities did not bring satisfactory results, and so they obtained leave to send for and examine persons and papers (March 7, 1842), and began an examination of the Departments at Washington. Lack of time and of specific information operated against them. The facts developed in the few bureaus they examined justified, in their opinion, a rigid and more general investigation. They expressed the belief that with proper economy and responsibility the aggregate expenditure could in time of peace be reduced to \$17,000,000 per annum.

The following quotations summarize the conclusions of this committee:

"Under this authority (i. e., the Constitution) Congress has by law vested the appointment of various inferior officers in the heads of Departments and others, but the usage of many years has virtually conferred the appointment of all officers, civil and military, on the President." \* \* \*

"The habit of applying mere political tests to the mass of appointments is believed to be injurious to the public service, by often filling important offices with incompetent men; to political morals, by inducing hypocrisy and deception; to political parties, by encouraging the most selfish and sordid motives of action".

"The distribution of the minor stations often excites more interest than the election itself. \* \* \* When the election has ended nothing is decided more than when

<sup>1</sup> Messages of the Presidents, Vol. IV, p. 38.

<sup>2</sup> Same, Vol. IV, p. 88.

it commenced, except that one set of men are to go out and another set are to come in. The victors practice the abuses for which they condemned the vanquished, and the chief contest with the press and the politicians is as to who shall have the credit of the little good, and who the odium of the many evils that have been inflicted on the country during these incessant struggles. The responsibility of the President is transferred from the Constitution and laws to cliques and juntas, who combine to increase his power and gratify their ambition. Fidelity on his part to these influences, excuses, if it does not justify, infidelity to everything else."

"They (the committee) entertain no doubt of the power of Congress to prescribe, and of the propriety of prescribing, that, in all cases of removal by the President, he shall assign his reasons to the Senate at its next session. Where the removal is made by others, they should report their reasons to the President, and they should be submitted by him to the Senate."<sup>1</sup>

"Great practical inconvenience must result from the practice of filling the most important clerkships and bureaus with persons who have had no previous experience as to their duties. These places are sought for on the accession of every new administration with great avidity, and it very often happens that individuals are brought from a distance, perfect strangers to the duties and details of their offices, installed in bureaus or clerkships with which they never become familiar until in their turn they have to give place to others equally ignorant with themselves. Hence it would seem to have been found necessary in many instances, to create the office of chief clerk, to perform the duties of a bureau, the head of which was utterly unable to perform them. If those who have acquired accurate knowledge from service in the Departments could be promoted to the heads of bureaus, the committee believe that the office of chief clerk for bureaus could in many instances, if not altogether, be dispensed with." \* \* \*

"The committee believe that the number of persons employed in the Departments might be very considerably reduced, and with advantage to the public service, if the several grades of clerkships were generally filled with more regard to the actual duties of the offices and with less to mere political or personal considerations."<sup>2</sup>

"In other branches of the service the advantages of preliminary examinations as to the qualifications of those intrusted with duties sometimes less important than the duties of clerks have been manifested. Cadets, midshipmen, and applicants for appointments as surgeons in the Army and Navy have for years been subjected to this test. The committee have no doubt that the application of the same principle in the original appointment of clerks would be attended with beneficial results. For this purpose, a board of examination might be instituted in the Departments, to consist of six members, one to be designated annually by each head of a department, three, at least, to be heads of offices or bureaus, and the residue principal clerks. The board might hold regular sessions semiannually or quarterly and special sessions as often as required. The members should be sworn to act impartially, and they should examine the candidates designated by the heads of Departments as to character, moral habits, knowledge of accounts, penmanship, capacity to write good business letters, etc., and the heads of Departments should be limited in their appointments to the lowest grade of clerks to such applicants as had satisfactorily passed their examination."<sup>3</sup>

The results to be expected from this system of appointment, according to the committee, would be to "keep party feeling out of appointments, prevent applications of gross incompetents, establish a higher test—actual qualification—ward off importunity, and render appointments of the most worthy probable."<sup>4</sup>

With its report the committee submitted ten resolutions, the most important and novel of which was the first: "*Resolved*, That it is expedient to require the Presi-

<sup>1</sup> 27th Cong., 2d sess., House Reports of Committees, No. 741, Vol. IV, pp. 1-5.

<sup>2</sup> Same, pp. 19, 20; see also 14th Report of the U. S. Civil Service Commission, p. 37.

<sup>3</sup> Same House Report as preceding, p. 24.

<sup>4</sup> Same, p. 24.

dent of the United States, *in all cases* of removal from office, to communicate the reason or cause for each removal to the Senate.”<sup>1</sup>

July 27th of the same year (1842), Garrett Davis made a report from a select committee of the Senate, appointed to inquire into the case of the removal of Henry H. Sylvester, a clerk in the Bureau of Pensions, a portion of which is as follows: “Your committee know no portion of the American population which is more oppressed and enslaved in will and in spirit than the subordinates in the Executive Departments.”<sup>2</sup>

“The practice of treating all the offices of this great Government as the ‘spoils of victory,’ and with the rise and fall of contending parties, the ejection of a large (sic) multitude of experienced, honest, and capable incumbents, to make room for needy mercenaries, who entered the political conflict without any principle or love of country, impelled wholly by a hope of plunder, is the greatest and most threatening abuse that has ever invaded our system. \* \* \* It is the degenerate and demoralizing spoils principle which has contributed more than any other cause to defile our whole system, and is precipitating us so rapidly upon premature decay and ruin, and we must expel it if we would save our free and glorious institutions.”<sup>3</sup>

This committee recommended that the act of 1820 limiting the tenure of certain offices be repealed; that the causes of all removals be furnished in writing to the President, and by him laid before each House. They argued at length against the sole power of removal as exercised by the President, and reached the conclusion that “no removal should ever take place except where the public weal required it.”<sup>4</sup>

In 1844 the Senate appointed a Committee on Retrenchment, which brought in a report through its chairman, Hon. James T. Morehead, beginning as follows: “The first subject to which the committee propose to apply themselves is an inquiry into the connection that subsists between the patronage of the executive department and the expenditures of the Government of the United States. This connection, it will be shown, is direct and pernicious, unsustained by motives of public policy, and adverse to the true principles of the Constitution.”<sup>5</sup>

The committee, after a long and masterly train of reasoning to show the error of the House, in 1789, in assuming that the power of removal pertains solely to the Executive, quotes the Constitution to show that it is among the implied powers of the National Legislature, and continues: “Is there then, in fact, appertaining to this Government, a species of power, in its nature executive, which the Constitution has not in terms granted, which is not included in the class of incidental powers, and which can not be regulated by law? \* \* \* Such a power, we are assured, does exist, in the shape and name of the Executive power of removal; a power which has no limit but the will of the President; a power for the abuses of which there is no other restraint than the ghostly terrors of impeachment; which pervades every city, and village, and hamlet, and neighborhood of the Union; which exalts its possessor into an elective monarch, and bends its beneficiaries at its footstool; which punishes independent and faithful servants of the people, and lavishes its rewards on the servile tools of the Executive; which is part and parcel of the power that wields the sword of the nation, and has only to dare, to possess itself of its treasury; which draws to it hosts of expectants, and is surrounded by other hosts of retainers and dependants, formidable for their number, still more formidable for fidelity and zeal; a power, in short, which, as it is now exercised, is doing more to contaminate the public morals, to sully the national character, to accelerate the corruption and decline of the Government, than all the pernicious influences combined that infest or impede the character of our institutions.”<sup>6</sup>

<sup>1</sup> 27th Cong., 2d sess., House Reports of Committees, No. 741, Vol. IV, p. 28.

<sup>2</sup> House Report No. 945, 27th Cong., 2d sess., p. 4.

<sup>3</sup> Same, p. 4.

<sup>4</sup> Same, p. 10.

<sup>5</sup> Morehead report, p. 1 (Senate Doc. 399, 28th Cong., 1st sess., Vol. VII).

<sup>6</sup> Same, p. 25.

According to statistics collected by the heads of departments and communicated to Congress March 13, 1840, Washington removed 9 officers confirmed by the Senate; John Adams, 8; Jefferson, 56; Madison, 8; Monroe, 25, and John Q. Adams, 6; or a total of 112 in thirty-nine years. Jackson, however, made 600 removals during his first year; Van Buren followed his example; Harrison in one month made 49 removals; and Tyler, from April 3 to August 7, 1841, dismissed 121.<sup>1</sup>

The committee, commenting on these statistics, says: "From this exposition it will be perceived that a new practice has sprung up—the growth of the last sixteen years; the offspring of party, not of precedent—a practice which spares neither experience nor qualification, nor the most conscientious fidelity to duty; a practice which must change the whole character of the public service by converting the legitimate servants of the people into the bondmen of the President; a practice which enables a successful aspirant to the Chief Magistracy to distribute among his followers the patronage of the Government as a victorious general distributes the spoils of conquest; a practice which inflames the national elections with every inordinate and selfish passion, and recognizes the public offices as the rewards of partisan zeal and devotion."<sup>2</sup>

Of the power of appointment and removal of inferior officers the committee says: "It is very certain that the authority of the President to control the departments in the exercise of the power has not at any time been recognized by law. That such a control is exercised by the President may be and, the committee are informed is, true; but it is hoped the practice is of recent origin. The pretension, whensoever it originated, is, in the opinion of the committee, unfounded, either in the laws or Constitution, and furnishes proof of the rapid and alarming growth of executive supremacy."<sup>3</sup>

"The first great source of patronage, and, if that patronage is abused, of extravagance and corruption, is the Treasury Department."<sup>4</sup> During the Administration of the younger Adams, according to the committee, the expense of collecting was less than 3 per cent of the gross revenue; it rose to 4½ per cent under Jackson, while during the term of Van Buren and the first two years of Tyler it was nearly 8½ per cent.

"That there should be confided to any officer of the Government the omnipotence of the Secretary of the Treasury over the subordinates of his Department is a circumstance of itself sufficient to stimulate Congress to incessant vigilance. That a power so unlimited should be without check is calculated to excite strong and just apprehensions; but that this vast power, with all the influences it carries with it, should be wielded by the Chief Magistrate without any other responsibility than that of impeachment is a startling consideration. \* \* \* Even if it were conceded that this immense and accumulating patronage is used for conservative purposes only, the fact that it exists without any legal restraint constitutes of itself an urgent appeal to the fears of the American people. \* \* \* A citizen of the United States who accepts a public trust, however obscure his birth or humble his employment, has an inviolable right to be protected in the faithful discharge of his duties from the violence or the menaces of arbitrary power."<sup>5</sup>

"The standard of qualification for office," concludes the committee, "seems no longer to be integrity, capacity, and fidelity to the Constitution, as fixed by Thomas Jefferson, but zeal in the personal service of A or B."<sup>6</sup>

The committee reported joint resolutions, consisting of four sections, the first of which declared that the qualifications, disqualifications, and tenure of all offices under the Government may be declared by law; the second declared that the clause

<sup>1</sup> Morehead report, pp. 128–129 Senate Doc. 399, 28th Cong., 1st sess.

<sup>2</sup> Same, p. 28.

<sup>3</sup> Same, p. 30.

<sup>4</sup> Same, p. 30.

<sup>5</sup> Same, p. 31.

<sup>6</sup> Same, p. 46.



of the Constitution granting power to the President and Senate to appoint does not confer upon the President sole power to remove officers thus appointed; the remaining clauses are quoted in full:

"SEC. 3. *And be it further resolved*, That the power of the President to appoint certain other inferior officers, which power may by law also be vested in the courts of law or in the heads of departments, does not, in terms nor in effect, convey a power to the President, any more than to the heads of departments, to remove persons from office, except as may be allowed or provided for by law, and certainly not contrary to law.

"SEC. 4. *And be it further resolved, therefore*, That a law ought to be passed prescribing regulations as regards the qualifications, the appointment of persons to office, and the restrictions against an improper interference in the general or State elections, not abridging the freedom of speech, nor the duty of every individual freely and openly to exercise the right of suffrage, and declaring the disqualifications or the reasons which will be considered in law sufficient to authorize the President, the heads of departments, and courts of law to suspend, dismiss, or remove persons from office."<sup>1</sup>

President Polk's inaugural address contains the following reference to the civil service:

"In taking care that the laws be faithfully executed a strict performance of duty will be exacted from all public officers. \* \* \* Although in our country the Chief Executive must almost of necessity be chosen by a party and stand pledged to its principles and measures, yet in his official action he should not be the President of a part only, but of the whole people of the United States. While he executes the laws with an impartial hand, shrinks from no proper responsibility, and faithfully carries out in the Executive Department of the Government the principles and policy of those who have chosen him, he should not be unmindful that our fellow-citizens who have differed with him in opinion are entitled to the full and free exercise of their opinions and judgments, and that the rights of all are entitled to respect and regard."<sup>2</sup>

Mr. Taylor, in his inaugural, refers briefly to the subject of appointments:

"The appointing power vested in the President imposes delicate and onerous duties. So far as it is possible to be informed, I shall make honesty, capacity, and fidelity indispensable prerequisites to the bestowal of office, and the absence of either of these qualities shall be deemed sufficient cause for removal."<sup>3</sup>

President Fillmore, in his first annual message, outlines a policy regarding appointments and removals:

"The appointing power is one of the most delicate with which the Executive is invested. I regard it as a sacred trust, to be exercised with the sole view of advancing the prosperity and happiness of the people. It shall be my effort to elevate the standard of official employment by selecting for places of importance individuals fitted for the posts to which they are assigned by their knowledge, integrity, talents, and virtues. In so extensive a country, with so great a population, and where few persons appointed to office can be known to the appointing power, mistakes will sometimes unavoidably happen and unfortunate appointments be made, notwithstanding the greatest care. In such cases the power of removal may be properly exercised; and neglect of duty or malfeasance in office will be no more tolerated in individuals appointed by myself than in those appointed by others."<sup>4</sup>

Extract from the inaugural address of Franklin Pierce:

"In the administration of domestic affairs you expect a devoted integrity in the public service. \* \* \* As occupancy can confer no prerogative nor importunate

<sup>1</sup> Morehead report, p. 55 Senate Doc. 399, 28th Cong., 1st sess.

<sup>2</sup> Messages, Vol. IV, p. 382, Mar. 4, 1845.

<sup>3</sup> Same, Vol. V, p. 6, Mar. 5, 1849.

<sup>4</sup> Same, p. 80, Dec. 2, 1850.

desire for preferment any claim, the public interest imperatively demands that they (offices) be considered with sole reference to the duties to be performed. \* \* \* A claim for office is what the people of a republic should never recognize. No reasonable man of any party will expect the Administration to be so regardless of its responsibility and of the obvious elements of success as to retain persons known to be under the influence of political hostility and partisan prejudice in positions which will require not only severe labor, but cordial cooperation."<sup>1</sup>

President Buchanan, previously silent regarding the civil service, makes the following brief reference thereto in his second annual message:

"I invite Congress to institute a rigid scrutiny to ascertain whether the expenses in all the departments can not be still further reduced, and I promise them all the aid in my power in pursuing the investigation."<sup>2</sup>

No other President, perhaps, ever had so great reason to deplore the demoralization of the service as did Mr. Lincoln. It was necessary for him to guard against both incompetency and disloyalty. It is a sad commentary on the condition of the service at that time that the demands of applicants for office upon the time and attention of the Administration greatly delayed the establishment of either a foreign or domestic policy.

"In the seven States which constituted the original Southern Confederacy the flag of the United States was flying at only three points on the day of Mr. Lincoln's inauguration."

"No more difficult task has ever been presented to any government than that which Mr. Lincoln and his Cabinet assumed in the month of March, 1861."<sup>3</sup>

Facing the most serious crisis in our history, involving the very existence of the nation, the President was almost overwhelmed with importunities for office. The newspapers of the day made daily reference to the throngs of seekers for place. A dispatch from Washington, dated March 13, 1861, said: "The President's house is besieged with visitors and office seekers from 8 o'clock in the morning till 12 o'clock at night. This fatigue almost disabled him to-day."<sup>4</sup>

Mr. Seward, Secretary of State, in a memorandum to Mr. Lincoln, writes:

"We are at the end of a month's administration, and yet without a policy, either domestic or foreign. \* \* \* The presence of the Senate, *with the need to meet applications for patronage*, have prevented attention to other and more grave matters. \* \* \* But further delay to adopt and prosecute our policies, for both domestic and foreign affairs, would not only bring scandal on the Administration, but danger upon the country. To do this we must dismiss the applicants for office."<sup>5</sup>

The President, one month after his accession to office, is reported to have said:

"I wish I could get time to attend to the Southern question. I think I know what is wanted, and believe I could do something toward quieting the rising discontent, but the office seekers demand all my time. I am like a man so busy in letting rooms in one end of his house that he can not stop to put out the fire that is burning the other. Sitting here, where all the avenues to public patronage seem to come together in a knot, it does appear to me that our people are fast approaching the point where it can be said that seven-eighths of them are trying to find out how to live at the expense of the other eighth."<sup>6</sup>

Mr. Lincoln was far too busy with matters threatening the immediate dissolution of the country to give that attention to the civil service which in time of peace it imperatively demands. We have some few brief expressions from him on the subject, however. Over twenty years previous he had said: "I am opposed to removals

<sup>1</sup> Messages, Vol. V, pp. 200-201, Mar. 4, 1853.

<sup>2</sup> Same, p. 524, Dec. 5, 1858.

<sup>3</sup> Blaine, Twenty Years in Congress, Vol. I, pp. 286, 290.

<sup>4</sup> New York Daily Tribune, Mar. 14, 1861.

<sup>5</sup> Works of Lincoln, Nicolay and Hay, Vol. II, p. 29.

<sup>6</sup> Cong. Globe, 42d Cong., 2d sess., p. 2513, speech of Mr. Willard.

to make places for our friends.”<sup>1</sup> In his letter inviting Mr. Seward to become his Secretary of State he says:

“In regard to the patronage sought with so much eagerness and jealousy, I have prescribed for myself the maxim ‘justice to all,’ and I earnestly beseech your cooperation in keeping the maxim good.”<sup>2</sup>

Under this Administration the influence of members of Congress in controlling appointments was greatly increased. The following paragraph appeared March 13, 1861, in the New York Daily Tribune, as a special Washington dispatch:

“THE POST-OFFICE APPOINTMENTS.

“The appointments of postmasters with salaries less than \$1,000 per annum will be made upon the recommendations of the members of Congress in the different districts. Applications addressed to them will receive attention earlier than if sent to the Department, and save much delay and trouble.”

A gentleman at that time holding a high position in the Post-Office Department, commenting recently on this announcement, says:

“Members of Congress unquestionably friendly to the Union and against secession at that time of national excitement and warlike preparation were not only consulted in respect to appointments, but often had decisive influence over them. Their local knowledge of men and conditions made them fit advisers where the Department officers were otherwise ignorant, or could only depend on uncertified popular recommendations. \* \* \*

“The only thing approaching a rule, so far as I remember, was a declaration by Postmaster-General Blair to me that a majority of the more responsible patrons of a post-office should decide the appointment. In case of doubt the Administration member of Congress representing the district might decide. Senators were recognized as controlling the appointment in their home office.”

It is a fact to be deplored that the executive department of this Government was thus compelled to call upon the legislative to determine appointments. There can be little doubt that such a practice tends to obliterate the sharp distinction which the Constitution was intended to institute and perpetuate between the three great departments of the Government. Still, the choice between making appointments upon the recommendation of Congressmen and upon petitions, which are often padded by names copied from assessment rolls or elsewhere, is only a choice between evils.

One familiar with the earlier life of Mr. Johnson would not seek for any efforts on his part to improve the service by promoting the stability of tenure therein during his Presidential term. In 1846 he offered resolutions in Congress declaring that appointments to subordinate positions should be made for a maximum term of eight years, on the basis of representation, asserting that every Congressional district is more than capable to fill its quota. The districts were to be arranged in four divisions, the officers of the first to be vacated in eight years; of the second, in six years; of the third, in four years, and of the fourth, in two years. “Due regard should be had to the farmers and mechanics of the country, so as to give them their fair proportion of said offices.”<sup>3</sup>

He did, however, direct that preference in appointments and promotions should be given to meritorious and honorably discharged soldiers and sailors.

Of this Administration Mr. J. D. Cox, Secretary of the Interior in 1869, said:

“During Mr. Johnson’s Administration \* \* \* a condition of things existed which rivals the most corrupt era that can be found in the history of any nation. Men were known to offer \$5,000 for the influence which might secure an appointment to a ganger’s situation in the revenue service, where \$1,500 was the limit of the pay that could be honestly earned, and when it was morally certain that the advent of a

<sup>1</sup> Letter to Congressman Stuart in 1840.

<sup>2</sup> Works of Lincoln, Nicolay and Hay, Vol. I, p. 657.

<sup>3</sup> Cong. Globe, XV, pp. 192-193.

new Administration would terminate the employment within a year. This is simply a type of similar transactions extending through many grades of the public service."

Mr. Delano, who succeeded Mr. Cox as Secretary of the Interior, said:

"In making appointments to the clerical force of the Department strict attention has been given to the qualifications of applicants, no appointments being made to clerkships of any grade until the applicant had been subjected to an examination touching his fitness for the position. This course has had a beneficial effect in increasing the efficiency of the working force of the various bureaus, by giving to the service a much better class of clerks. Promotions have also been made for merit and efficiency, with like beneficial results."<sup>1</sup>

### ATTEMPTS AT REFORM.

From the early part of Jackson's Administration until March 3, 1871, the date of the first civil-service legislation, many measures on the subject were introduced: Resolutions denying to the President the sole power of removal, and affirming the right and duty of the Senate to participate therein; asking for lists of officers removed; to repeal the act of 1820 limiting the terms of officers; to compel a statement of reasons for each removal. Most of them never got beyond committee, and were of little use except to indicate the existence of dissatisfaction with the prevailing system.

In May, 1838, the legislature of Connecticut instructed its Senators and Representatives to endeavor to secure an amendment of the Constitution vesting the power of *nomination*, appointment, and removal, except in the cases of naval, military, and diplomatic officers, in some other manner.<sup>2</sup>

On the 7th of March, 1851, the Senate called upon the heads of departments to report some plan for classifying the clerks; for apportioning salaries according to services; for equalizing salaries of clerks of the same grade in the various departments; for testing qualifications by fair and impartial examination, and for promoting on the basis of qualifications and services. May 3, 1852, Thomas Corwin, Secretary of the Treasury; Alex. H. H. Stuart, Secretary of the Interior; C. M. Conrad, Secretary of War; Will. A. Graham, Secretary of the Navy; and N. K. Hall, Postmaster-General, submitted a joint report, in part as follows: "The importance of securing more uniformly a high grade of qualifications and a more permanent tenure of the clerks in the several departments must be universally conceded. \* \* \* They (the Secretaries) suggest, as the most appropriate means which they have been able to devise for bringing into effect the reformatations proposed, that in case of a vacancy in any office of clerk, except that of chief clerk, a board shall be constituted by the head of the department in which the vacancy shall have occurred, to examine any candidates to fill the same who may be sent before it by the head of the Department, as well as to their condition of health and physical energy, as to their education, skill, and other qualifications for the duties of the place in question; and that no person shall be considered eligible to such appointment who shall not produce to the head of the department, to be filed in its archives, a certificate of approval from such board of examination.

"That every vacancy, except in the chief clerkship or in a clerkship of the lowest class, shall be filled from the next inferior class in the same Department or bureau by the individual who shall receive, from a board constituted for his examination, in the same manner as prescribed in the foregoing, a certificate that he is fully qualified. If no person in such inferior class receive such certificate, then such other person may be appointed as shall, by the direction of the head of the Department, be sent before such board of examination and receive therefrom the requisite certificate of qualification."<sup>3</sup>

<sup>1</sup> Annual Report Secretary of the Interior, Oct., 1876, p. 83.

<sup>2</sup> Ex. Doc. No. 442, 25th Cong., 2d sess.

<sup>3</sup> Senate Ex. Doc. No. 69, 32d Cong., 1st sess.

They all agreed that the above plan was worthy of trial, and most of them thought the clerks might be usefully classified. All recommended uniform qualifications, to be established by law, for all clerks in each class in all the Departments.

In an individual report annexed to the foregoing the Secretary of the Treasury says:

"In regard to a preliminary examination of clerks, and their promotion from one grade to another, these objects are already to some extent attained in this Department. Every new applicant for a clerkship is subjected to a trial, and if the head of the bureau report him as incompetent he is not appointed."

Mr. Hall, the Postmaster-General, in an additional report, says:

"Nothing, in my judgment, can determine a man's fitness for the higher classes of these duties; and while I concur in the joint recommendation to which this report is intended to be annexed, as to a preliminary examination by a board appointed by the head of the department in which employment is sought, I think it important, further, that the appointment based upon such an examination should be one of probation only, and should not extend beyond a period of three months, with the assurance, however, that if during that period of trial the probationer should exhibit the requisite qualifications for useful service, the final appointment should not be withheld from him.

"I take leave to suggest, in conclusion, that probably no observing or thoughtful man has ever been long in charge of an executive department or bureau without becoming satisfied that the proper standard of clerical qualification and performance will not be established in them, and the public business performed in the best manner, until the clerk can reasonably entertain a confident expectation of continued employment. \* \* \* Men originally qualified to perform properly the duties of a clerk become, with each year's experience, more competent and useful."<sup>1</sup>

Mr. Webster, then Secretary of State, under date of June 30, 1852, stated his inability to concur in the joint report of the other Secretaries, but said: "Few things are more prejudicial to the public service than the removal from office of experienced and faithful clerks of proved ability and industry."<sup>2</sup>

Senator R. M. T. Hunter, of Virginia, offering an amendment to the civil and diplomatic bill, February 28, 1853, classifying and organizing the clerks of the Treasury, Interior, War, Navy, and Post-Office Departments, after stating the substance of the proposed amendment, says:

"I believe we shall thus lay the foundation of what is essential to the safe administration of this Government—I mean a civil corps who shall have the experience, the efficiency, and the ability to enable the heads of the departments to administer their respective departments safely and efficiently, without which I believe that, no matter who is President, no matter who is the head of the department, we can not expect that the affairs of the Government will be administered safely and efficiently; because, after all, it depends upon the honesty, the skill, and the efficiency of the men that do the work of the departments to administer them properly."<sup>3</sup>

In 1853 and 1855 Congress passed acts regulating appointments, the substance of which are included in section 164 of the Revised Statutes:

"No clerk shall be appointed in any department in either of the four classes (\$1,200 to \$1,800, inclusive) until he has been examined and found qualified by a board of three examiners, to consist of the chief of the bureau or office into which such clerk is to be appointed and two other clerks to be selected by the head of the department."

The examinations held under this provision were called pass examinations. Each department had its own examining board, thus insuring a lack of uniformity in the examinations. The head of the department recommended whomsoever he pleased to appear for any sort of examination he chose to have given, before a board sub-

<sup>1</sup> Senate Doc. 95, 32d Cong., 2d sess., p. 17.

<sup>2</sup> Same document.

<sup>3</sup> Cong. Globe, 32d Cong., 2d sess., Vol. XXVI, p. 896.



stantially of his own selection, and the man passing lowest might be given appointment over those passing highest.

However imperfect these acts regulating appointments may have been, they no doubt improved the service, as the following quotations from those who were at the time in official position indicate:

"On entering upon my duties in April last, I found the business of the office, as far as my limited experience in the practical operations and duties of the public offices would enable me to judge, to be in a condition to demand the promptest and most vigorous measures for its thorough reformation and reorganization. Its excellent rules and regulations, which were so well known in former years for their admirable effects upon the large amount of public business pressing upon it, as well as upon the internal order of the office and its character abroad, had fallen into neglect and disuse. \* \* \* In conclusion, I cheerfully acknowledge my indebtedness for the present condition of the entire office to the diligent and correct business habits and qualifications of its clerical corps, which has been materially improved in its efficiency and general character and deportment by the rigid system of examination prior to appointment required by the third section of the act of Congress approved March 3 last. The graduation of salaries and system of promotion contemplated by that section, together with the reestablishment and enforcement of disciplinary regulations, have also done much to diffuse throughout the office a just sense of responsibility, and a spirit of emulation to secure promotion, not by political or personal favor, but by that moral, intellectual, and clerical improvement and qualification of which it is the appropriate official acknowledgment and reward."<sup>1</sup>

James Guthrie, Secretary of the Treasury, speaking of the Department, says:

"In most cases the best of those found in office were retained, and under the system of classification, when vacancies occurred, a rule was established to promote, for capacity and efficiency, from the lower to the higher classes, whilst the required examinations have secured more capable clerks for the first class. \* \* \* The Department is being brought into good condition."<sup>2</sup>

"Great advantages have been derived from the discipline enforced under the rules and regulations adopted by you on the 30th of May, 1853, for the good of the office."<sup>3</sup>

Mr. Phillips, the Auditor for the Post-office Department, in his report to the Secretary of the Treasury for 1854, says:

"The custom which had prevailed prior to the passage of the act referred to (act March 3, 1853), of appointing men to important and responsible positions in the Departments, whose characters and qualifications were wholly unknown to the head of the office \* \* \* has been superseded by a rigid system of examination. \* \* \* The board of examiners of this office have endeavored to meet the obvious intention of the framers of the law by adopting a course of examinations which, while it has done entire justice to the applicant, has also, I am persuaded, done much to elevate the standard of clerical qualifications in the office, promoted its general efficiency, and, I venture to add, protected the appointing power in many cases from the consequences of imposition and misrepresentation."<sup>4</sup>

William F. Phillips, Auditor for the Post-Office Department:

"The Board of Examiners of this office, organized under the provisions of the third section of the act of March 3, 1853, regulating the appointment of clerks in the Executive Department, have, since the law went into effect, examined 86 applicants for clerkships, of whom 61 have been passed as qualified and 25 rejected as not qualified. The plan of these examinations marked out in my last annual report

<sup>1</sup> W. F. Phillips, Auditor Post-Office Department, in Report of Secretary of the Treasury on the Finances, House Doc. 3, 33d Cong., 1st sess., pp. 136-138.

<sup>2</sup> Report of Secretary of the Treasury Guthrie on the Finances, House Ex. Doc. No. 3, 33d Cong., 2d sess., p. 20.

<sup>3</sup> Robt. J. Atkinson, Third Auditor, same report, p. 90.

<sup>4</sup> House Ex. Doc. 3, 33d Cong., 2d sess., pp. 97-98.

is still rigidly adhered to, and has, with your cooperation, materially improved the character for intellectual and moral qualifications and faithfulness of the clerical force of the office."<sup>1</sup>

On the 30th of April, 1861, Mr. Sumner introduced a bill, by unanimous consent, which was read twice and ordered to lie on the table and be printed. It is noteworthy as the first attempt to secure competitive examinations. The bill provided for three commissioners to be appointed by the President and confirmed by the Senate, as a board of examiners, and a clerk to the board. All appointments thereafter were to be from those recommended by certificate of the board, except those requiring Senatorial confirmation, and the latter were to be examined if they presented themselves. Rules, scope, times, and places of examinations were to be determined by the board after consultation with the President, courts, or heads of Departments, as the case might be. Applicants were to be citizens between 18 and 25 years of age; to be assigned a rank according to merit and fitness shown; the highest person on the list to have the choice of vacancies in the particular department or branch for which he was examined; removals were to be made only for good cause; four-fifths of the promotions to be made according to seniority, but the remainder might be made for merit alone.<sup>2</sup> This radical measure failed.

Writing to Secretary of State Seward, under date of August 25, 1863, Mr. John Bigelow, at that time United States consul to Paris, after comparing the French civil service with that of his own country, and paying a high tribute to the former, says: "Unless some method can be devised by which those who enter the subordinate departments of the United States Government can be guaranteed a similar permanence, we must pay much higher salaries, get very inferior service, waste our experience, and, withal, fall a prey to the infinite brood of frauds which inevitably result from the constant conflict between interest and duty which our execrable practice of mutation in office engenders."<sup>3</sup>

Mr. Bigelow, from his service as consul to Paris, and afterwards as minister to France, had exceptional opportunities for observing the French system.

Senator Toombs, of Georgia, opposing the consular pupil bill in the Senate, made the following remarks:

"The whole consular system is a very bad one. The recent changes have made it a great deal worse than it was. Since you have made consular offices political you have hurt the whole system. \* \* \* We have made consuls salaried officers, and thrown on the Treasury of the United States this burden of commerce; and we shall make matters worse by making them a permanent body of men. It is not worth while to educate them as apprentices, unless you intend to continue them in the business. This you can not do, because they are removable at the pleasure of the President, and will be changed as long as they are objects of political desire; and when you have gone to great expense and educated them for this work, someone will turn them out and get their places."<sup>4</sup>

Mr. Orville H. Browning, in his annual report for 1866 as Secretary of the Interior, writes: "No one with the most limited experience in an executive department can, I believe, avoid the conclusion that its efficiency would be largely promoted by a radical change in the organization of its clerical force."

His successor, Mr. J. D. Cox, would raise the standard of qualification, make promotions upon merit, and secure the same permanence that is given in the Army and Navy. He continues: "The general conviction among the clerks and employees is that the retention of their places depends much more upon the political influence they can command than upon energy or zeal in the performance of duty. After a careful examination of the subject I am fully persuaded that the measure I have suggested would have enabled this Department to do the work of the past fiscal year

<sup>1</sup> House Ex. Doc. 10, 34th Cong., 1st sess., p. 165.

<sup>2</sup> Works of Sumner, Vol. VIII, pp. 452-454.

<sup>3</sup> House Report No. 8, 39th Cong., 2d sess., Appendix C, p. 37.

<sup>4</sup> Cong. Globe, 34th Cong., 3d sess., Vol. 34, p. 367.

with a corps of clerks one-third less in number than were found necessary. It is safe to say that, under our present customs, very few clerks are retained in place long enough to learn their duties and perform them with dispatch, and that there is no inducement offered them to make any real effort to that end."

He complains that office seeking so takes up the time of the highest officers of the Government that they can not give due attention to questions of public interest; that members of Congress are unable to get relief, except by urging appointments and removals upon the executive departments; that public business is most seriously retarded. To him no remedy seemed adequate except to make the subordinate branches permanent by legislation, making capacity and integrity sole tests, and throwing competition open to all.<sup>1</sup>

After speaking of the impersonal written examinations held to test fitness for appointment in the Census Office, he concludes:

"The experience of this, as well as of the Patent Office, not only fully supports all I said in my last annual report in regard to the civil service, but strengthens my conviction that a reorganization of it is as practicable as it is highly expedient."<sup>2</sup>

The efforts of Mr. Jenckes, Representative from Rhode Island, in behalf of reform in the civil service, were of inestimable value. He made five attempts to secure the passage of his bill; and although he was destined never to see the fruition of his hopes, it is to him, perhaps, more than to anyone else, that the present civil-service law owes its existence. His bill was tabled in 1867 by a vote of 72 to 66; referred in 1869 to committee without discussion; in 1870 recommitted, and in 1871 again referred without discussion.

In July, 1866, a Joint Select Committee on Retrenchment was appointed, consisting of George F. Edmunds, of Vermont; George H. Williams, of Oregon, and Charles R. Buckalew, of Pennsylvania, on the part of the Senate; and of Robert S. Hale, of New York; Robert C. Schenck, of Ohio; Thomas A. Jenckes, of Rhode Island; Samuel J. Randall, of Pennsylvania, and John L. Thomas, of Maryland, on the part of the House. The findings of the committee reporting the bill in January, 1867, are, in part, as follows:

"The principal evil in the present system is the mode of appointments to the subordinate offices in the various executive departments of the Government. These have been made by the President or the heads of departments, without any personal knowledge of the persons commissioned, upon recommendations signed principally by the political and personal friends of the persons appointed. \* \* \* In cases where there has been manifest inefficiency on the part of the appointee, and where a disposition has been shown to do as little for the public service as was necessary to satisfy the minimum requirements in his office, the political influences which secured the original appointment have been able to prevent a removal. The public service has thus been used as an instrument of political or party patronage, and the officers comprising it have not been, except in rare instances, selected for their qualifications, have not been promoted for merit, and have no certain or definite tenure of office, and are subject to be dismissed at any time without notice and without cause."<sup>3</sup>

The committee expressed its opinion that under the system proposed the same amount of service could be obtained at two-thirds the expenditure, and that the service rendered, if competent persons filled all the positions, would be far greater than that now obtained. Mr. Jenckes, in support of the bill, made a powerful speech, parts of which are quoted:

"Military and naval schools have been established for the proper education of those who aspire to positions in those services. No one is admitted to even a probationary position except after a thorough examination into his qualifications and probable fitness for the service he seeks to enter. \* \* \* No such regulations have

<sup>1</sup>Annual Report, Interior Department, pp. 25, 26, 1870.

<sup>2</sup>Same, 1870, p. 15.

<sup>3</sup>House Report No. 8, 39th Cong., 2d sess., pp. 1, 2.

been made applicable to the civil service. While careful in the highest degree in the selecting and training of those who adopt the profession of arms, we have been negligent and even reckless in the mode of choosing our civil servants. \* \* \* Perhaps it may have been thought hardly worth while to attempt to organize and systematize the civil service and put it under discipline while its members were few and its force widely scattered. The fact is that it has been left almost entirely to personal and partisan control, and its members recruited and selected from local and political influences. \* \* \* The growth of the nation, notwithstanding the check of civil war, is more rapid and sure than ever. Its civil servants will soon, if indeed they do not now, outnumber the military and naval forces combined. This increase shows the necessity for laws and regulations to govern them. \* \* \*

"At the change of collectorship in one of our great ports upward of 4,000 new applications for office were laid before the new collector, all urged against the incumbents and in favor of the applicants upon personal and political considerations. \* \* \*

"They (the committee) took into consideration the whole civil service of the Government, and came to the conclusion, after taking evidence and giving deliberation to the subject, that its present great expense and inadequacy of result to the expense which is everywhere found, are due rather to the character and quality of the personnel of that service and their mode of appointment than to large salaries or to too great a number of employees. \* \* \*

"The further the investigation proceeded the better satisfied did the committee become that the best and surest mode of curtailing the expenses of the services of the country was by using proper care and judgment in selecting the persons whom it pays for such service."<sup>1</sup>

The Jenckes bill, briefly summarized, provided for the appointment of all civil officers through open, competitive examination, postmasters and Senatorial confirmees excepted. It provided for a civil-service examining board to consist of three persons, to prescribe qualifications respecting age, health, character, knowledge, and ability, and to conduct examinations and establish rules governing the same. Those standing highest were to have preference in appointment, and promotions were to be made according to merit disclosed by examination, or by merit plus seniority in service. Five dollars was to be paid by each applicant for examination, and ten dollars by each one receiving the board's recommendation for promotion. The board was to prescribe the rules and conduct the trials for inefficiency or misconduct, and pass sentence of suspension or removal. All male citizens were to be eligible for examination and appointment; and in all offices designated by heads of departments, as equally adapted to the employment of females, they were to be eligible.

The appendixes to the Jenckes report (House Report No. 8, 39th Cong., 2d sess.) contain much valuable information about the civil-service systems of Germany, France, and England, with specimen examination questions for the latter.

President Grant voices the feeling of his time in numerous communications to Congress regarding the civil service. In his first annual message, December 6, 1869, he says:

"There has been no hesitation in changing officials in order to secure an efficient execution of the laws; sometimes, too, when in a mere party view, undesirable political results were likely to follow; nor any hesitation in sustaining efficient officials against remonstrances wholly political."<sup>2</sup>

"Always favoring practical reforms, I respectfully call your attention to one abuse of long standing, which I would like to see remedied by this Congress. It is a reform in the civil service of the country. I would have it go beyond the mere fixing of the tenure of office of clerks and employees who do not require 'the advice and consent of the Senate' to make their appointments complete. I would have it govern,

<sup>1</sup> Cong. Globe, 39th Cong., 2d sess., pp. 837, 838.

<sup>2</sup> Messages, Vol. VII, p. 38.

not the tenure, but the manner of making all appointments. There is no duty which so much embarrasses the Executive and heads of Departments, nor is there any such arduous and thankless labor imposed upon Senators and Representatives, as that of finding places for constituents. The present system does not secure the best men, and often not even fit men, for public place. The elevation and purification of the Government civil service will be hailed with approval by the whole people of the United States."<sup>1</sup>

In response to this urgent appeal Congress passed the act of March 3, 1871. This first legislation concerning the manner of making appointments, when at last it came, had several narrow escapes from defeat. January 30, 1871, Mr. Armstrong, of Pennsylvania, introduced in the House a joint resolution upon the subject, which was read twice, referred to a committee, and ordered to be printed. In the night session of the Senate March 3, 1871, the civil appropriation bill being under discussion, Senator Trumbull, of Illinois, after complaining of his inability to get consideration of any business from the Committee on Judiciary, said:

"I have here in my hand a matter of a very few lines, and yet it relates to the subject of the civil service. It is an amendment which I send to the Chair, and I hope the Senate will adopt it upon this bill. It is an amendment which, it is understood, if presented to the other House will be adopted. It goes a very little way; but it is a beginning in the right direction, and I should hope that good would grow out of its adoption. I hope there will be no objection to it."

The amendment as read by the Clerk was as follows: "That the President of the United States be, and he is hereby, authorized to prescribe such rules and regulations for the admission of persons into the civil service of the United States as will best promote the efficiency thereof, and ascertain the fitness of each candidate in respect to age, health, character, knowledge, and ability for the branch of service into which he seeks to enter; and for this purpose the President is authorized to employ suitable persons to conduct such inquiries, to prescribe their duties, and to establish regulations for the conduct of persons who may receive appointment in the civil service."<sup>2</sup>

A motion to table the amendment was lost, 25 to 26, and the amendment agreed to in the Senate, 32 to 24. The amendment was thus placed as a rider on the civil appropriation bill, the last bill of the last night of the session; it escaped being tabled by a single vote; and came near being lost with the whole appropriation bill, by adjournment of the House. Senator Anthony remarked while the amendments were still under consideration, "I came from the other House a few moments ago, and I know that members are waiting with much impatience for this bill, and will not wait much longer." The bill, however, reached the House and was concurred in, by a vote of 90 to 20, under a suspension of the rules, thus becoming a law, as section 9 of the said act.

This brief but comprehensive legislation still exists as section 1753 of the Revised Statutes, and as enlarged and amended by the act of January 16, 1883, is the basis of the civil-service rules under which the Commission operates.

In his third message, December 4, 1871, Grant declares that "it has been the aim of the Administration to enforce honesty and efficiency in all public offices. \* \* \* If bad men have secured places, it has been the fault of the system established by law and custom for making appointments, or the fault of those who recommended for Government positions persons not sufficiently well known to them personally, or who give letters indorsing the characters of office seekers without a proper sense of the grave responsibility which such a course devolves upon them. A civil-service reform which can correct this abuse is much desired."<sup>3</sup>

A few days later, in his message transmitting the first report of the Commission, he promised to support the rules prescribed by them, but called attention to the fact that they would not, without legislation, bind his successors. He also recom-

<sup>1</sup> Messages, Vol. VII, p. 109, December 5, 1870.

<sup>2</sup> Cong. Globe, vol. 97, p. 1997.

<sup>3</sup> Messages, Vol. VII, p. 154.



mended an appropriation to continue the labors of the board for another year. Foreseeing the terrific struggle impending, "I ask," said he, "for all the strength which Congress can give me to enable me to carry out the reforms in the civil service recommended by the Commission, and adopted, to take effect, as before stated, on January 1, 1872."<sup>1</sup>

An Executive order of April 16, 1872, promulgating provisions for carrying the rules into effect, says:

"The utmost fidelity and diligence will be expected of all officers in every branch of the public service." The right to vote and to take part in politics was acknowledged, but political assessments were forbidden, and the declaration made that "honesty and efficiency, not political activity, will determine the tenure of office."<sup>2</sup>

In his annual message of December, 1872, this passage occurs:

"Heretofore Federal offices have been regarded too much as the reward of political services. \* \* \* During my term of office it shall be my earnest endeavor to so apply the rules as to secure the greatest possible reform in the civil service of the Government."<sup>3</sup> In his second inaugural he repeats this promise.

President Grant's annual message for 1874:

"The rules adopted to improve the civil service of the Government have been adhered to as closely as has been practicable with the opposition with which they meet. The effect, I believe, has been beneficial on the whole, and has tended to the elevation of the service. But it is impossible to maintain them without direct and positive support of Congress. Generally the support which this reform receives is from those who give it their support only to find fault when the rules are *apparently* departed from. Removals from office without preferring charges against parties removed are frequently cited as departures from the rules adopted, and the retention of those against whom charges are made by irresponsible persons, and without good grounds, is also often condemned as a violation of them. Under these circumstances, therefore, I announce that if Congress adjourns without positive legislation on the subject of 'civil-service reform' I will regard such action as a disapproval of the system, and will abandon it, except to require examinations for certain appointees, to determine their fitness. Competitive examinations will be abandoned."<sup>4</sup>

Soon after the passage of the act of March 3, 1871, the President appointed a board to devise rules and regulations to effect the reform. This board, laboring under various disadvantages, formulated a system of competitive examinations, open alike to all persons, and uniform in the departments, by which qualifications were to be tested for original appointment and for promotion. In April, 1872, further rules were adopted and put in force. In 1874 the House voted to repeal the civil-service act, but added two amendments; and the Senate voted \$15,000 to carry out the law. By nonconcurrence the whole matter was dropped, leaving the law upon the statute books with no appropriation.

This was the darkest hour in this history of the reform movement. Mr. Curtis, one of the prime factors in the new movement, had resigned in February, 1873, dissenting from the withdrawal of the nomination of Mr. J. L. Benedict as surveyor of customs at the port of New York, because of Senatorial opposition; but the appointment of Mr. Dorman B. Eaton as Mr. Curtis's successor secured the services of an earnest and able advocate of the reform.

The Republican platform of 1876 declared strongly for reform in the civil service, and in accordance with it Mr. Hayes appointed Carl Schurz Secretary of the Interior. Competitive examinations were established and maintained in that Department during his incumbency.

In his inaugural address President Hayes says:

"I ask the attention of the public to the paramount necessity of reform in our civil service; a reform not merely as to certain abuses and practices of so-called offi-

<sup>1</sup> Messages, Vol. VII, p. 157.

<sup>2</sup> Same, p. 180.

<sup>3</sup> Same, pp. 218-219, 223.

<sup>4</sup> Same, p. 301.

cial patronage which have come to have the sanction of usage in the several departments of our Government, but a change in the system of appointment itself; a reform that shall be thorough, radical, and complete; a return to the principles and practices of the founders of the Government. They neither expected nor desired from public officers any partisan service. They meant that public officers should owe their whole service to the Government and to the people. They meant that the officer should be secure in his tenure so long as his personal character remained untarnished and the performance of his duties satisfactory. They held that appointments to office were not to be made nor expected merely as rewards for partisan services, nor merely on the recommendation of members of Congress as being entitled in any respect to the control of such appointments."<sup>1</sup>

In June, 1877, Mr. Hayes issued an order cautioning Federal officers generally against electioneering and political assessments, but affirming their right to vote and to express their views in a manner not interfering with official duty.<sup>2</sup>

In his first annual message he reiterates his views as to the need of reform, advocating impersonal appointments and security of tenure as likely to increase proficiency, and recommending an appropriation for the Commission organized under General Grant.<sup>3</sup>

In a communication to the Senate, January 31, 1879, Mr. Hayes gives his reasons for suspending the collector and naval officer of the port of New York.

"The officers suspended by me are, and for several years have been, engaged in the active personal management of the party politics of the city and State of New York. The duties of the offices held by them have been regarded as of subordinate importance to their partisan work. Their offices have been conducted as part of the political machinery under their control. They have made the custom-house a center of partisan political management. The custom-house should be a business office. It should be conducted on business principles. General James, the postmaster of New York City, writing on this subject, says: 'The post-office is a business institution and should be run as such. It is my deliberate judgment that I and my subordinates can do more for the party of our choice by giving the people of this city a good and efficient postal service than by controlling primaries or dictating nominations.'"<sup>4</sup>

Mr. Hayes appointed General Merritt and Colonel Burt to these positions, instructing them to "let appointments and removals be made on business principles and by fixed rules." Mr. Burt, formerly chairman of the examining boards at New York under the civil-service rules of 1872, was directed to reapply those rules to the whole customs service at that port.

Soon after the New York post-office service was operated under the rules with marked success.

An Executive order, February 4, 1879, to General Merritt, the new collector, says:

"My desire is that the office be conducted on strictly business principles. \* \* \* I want you to be perfectly independent of mere influence from any quarter. Neither my recommendation, nor that of Secretary Sherman, nor of any member of Congress, or other influential person must be specially regarded. \* \* \* The good of the service should be the sole end in view. The best means yet presented, it seems to me, are the rules recommended by the Civil Service Commission."<sup>5</sup>

In his message of December, 1879, Mr. Hayes, after admitting that it is indispensable that the Administration's advisory officers should be so selected as to be in accord with the policy of the dominant party, says:

"Very different considerations apply to the greater number of those who fill the subordinate places in the civil service. \* \* \* Their duties are the same whatever party is in power and whatever policy prevails. As a consequence, it follows

<sup>1</sup> Messages, Vol. VII, p. 444.

<sup>2</sup> Same, pp. 450-451.

<sup>3</sup> Same, pp. 465-466.

<sup>4</sup> Same, p. 511.

<sup>5</sup> Same, p. 549.

that their tenure of office should not depend on the prevalence of any policy or the supremacy of any party, but should be determined by their capacity to serve the people most usefully, quite irrespective of partisan interests. The same conditions that should govern the tenure should also prevail in the appointment, discipline, and removal of these subordinates. The authority of appointment and removal is not a perquisite which may be used to aid a friend or remove a partisan, but is a trust to be exercised in the public interest under all the sanctions which attend the obligation to apply the public funds only for public purposes.”<sup>1</sup>

More than one-fourth of this entire message relates directly to civil-service reform. In it Mr. Hayes promises to do all that the Executive can do to promote it, and appeals to Congress for its cooperation, and to the people for considerate and intelligent support. He points out the failure of the system of pass examinations to exclude favoritism and partisan influence, to secure competition of the best qualified, and to maintain a high standard of admission to the service. He alludes to the good results of the competitive examinations carried on in the Executive Departments and a number of custom-houses and post-offices in the principal cities, in spite of many limitations and embarrassments, and recommends an appropriation to enable the Commission to resume its work. “I think the economy, purity, and efficiency of the public service would be greatly promoted by their systematic introduction, wherever practicable, throughout the entire civil service of the Government.”<sup>2</sup>

His last annual message contains this solemn warning:

“My views concerning the dangers of patronage, or appointments for personal or partisan considerations, have been strengthened by my observation and experience in the Executive Office, and I believe these dangers threaten the stability of the Government. Abuses so serious in their nature can not be permanently tolerated. They tend to become more alarming with the enlargement of administrative service—as the growth of the country in population increases the number of officers and placemen employed.”<sup>3</sup>

In his inaugural of March, 1881, President Garfield pleaded in the following language, for the abandonment of the system, to which four months later he was to fall a victim:

“The civil service can never be placed on a satisfactory basis until it is regulated by law. For the good of the service itself, for the protection of those who are intrusted with the appointing power against the waste of time and obstruction to the public business caused by the inordinate pressure for place, and for the protection of incumbents against intrigue and wrong I shall, at the proper time, ask Congress to fix the tenure of the minor officers of the several Executive Departments and prescribe grounds upon which removals shall be made during the term for which incumbents have been appointed. \* \* \* The offices were created, not for the benefit of incumbents or their supporters, but for the service of the Government.”<sup>4</sup>

February 20, 1882, the Chamber of Commerce of the State of New York passed resolutions, among which were the following:

“*Resolved*, That in the judgment of this Chamber, the system of examinations for appointment to places in the custom-house, which has ruled during the last few years, has been of substantial value to the mercantile community, and is, in their eyes, of great importance.

“*Resolved*, That the interests of all doing business with the custom-house demand the continuance and extension of the same system as one which has resulted in more prompt and intelligent attention to the business, both of the Government and of the merchant.”

They presented these resolutions to the new collector, Mr. Robertson. Higher or more unprejudiced testimony could hardly be desired than this, voicing, as it does,

<sup>1</sup> Messages, Vol. VII, p. 562.

<sup>2</sup> Same, p. 565.

<sup>3</sup> Same, p. 603.

<sup>4</sup> Same, Vol. VIII, pp. 11-12.

the opinions of the highest financial and business interests of one of the greatest commercial centers of the world.

In his first annual message President Arthur declares his intention of carrying out the following principles, which he quotes from his letter accepting the Vice-Presidency:

“Original appointments should be based upon ascertained fitness. The tenure of office should be stable. Positions of responsibility should, so far as practicable, be filled by the promotion of worthy and efficient officers. The investigation of all complaints and the punishment of all official misconduct should be prompt and thorough.”<sup>1</sup>

He states that a measure embracing all the essential features of the English system, including life tenure, maximum age limitation for entrance, and a retiring allowance, would receive his approval, promising that a measure to establish competitive tests shall receive his earnest support in spite of certain possible objections which he points out.

In his annual message of 1882 he alludes to an increase of public interest in the matter of civil-service reform during the year past and recommends definite action:

“In the early years of the administration of the Government the personal direction of appointments to the civil service may not have been an irksome task for the Executive, but now that the burden has increased fully a hundredfold it has become greater than he ought to bear, and it necessarily diverts his time and attention from the proper discharge of other duties no less delicate and responsible, and which in the very nature of things can not be delegated to other hands.”<sup>2</sup>

He commends the Pendleton bill, then before the Senate, as likely to furnish relief to the Executive and to members of Congress and heads of departments; and recommends definite and stable tenure of office with a measure to prevent political assessments.

On the 15th of December, 1880, there were introduced in the Senate two bills, one to regulate the civil service and promote its efficiency by providing competitive examinations, and the other to prohibit political assessments, both of which were referred to committee. A year later these bills were introduced again, but neither came to a vote.

On the 15th of May, 1882, a report was at last obtained. After sketching the growth of the country in area, population, and number of States, from its origin, the committee remarks:

“Then one man might personally know, appoint on their merits, supervise the performance of their duties, and for sufficient cause remove, all the officers; now, no single human being, however great his intelligence, discrimination, industry, endurance, devotion, even if relieved of every other duty, can possibly, unaided, select and retain in official station those best fitted to discharge the many and varied and delicate functions of the Government. \* \* \* Political considerations have come to play the most important part in the distribution of the vast patronage. It boots not to consider the origin of the evil, or the responsibility of one party more than another. The fact is confessed by all observers and commended by some, that ‘to the victors belong the spoils;’ \* \* \* that with each new Administration comes the business of distributing patronage among its friends.

“It has come to pass that the work of paying political debts and discharging political obligations, of rewarding personal friends and punishing personal foes, is the first to confront each President on assuming the duties of his office, and is ever present with him, even to the last moment of his official term, giving him no rest and little time for the transaction of any other business, or for the study of any higher or grander problems of statesmanship. \* \* \* Instead of the study of great questions of statesmanship, of broad and comprehensive administrative policy, \* \* \* he must devote himself to the petty business of weighing in the balance the political considera-

<sup>1</sup> Messages, Vol. VIII, p. 61.

<sup>2</sup> Same, pp. 145-146.

tions that shall determine the claim of this friend or that political supporter to the possession of some office of profit or honor under him. \* \* \* Thus hampered and beset, the Chief Magistrate of this nation wears out his term and his life in the petty services of party. \* \* \* The Executive Mansion is besieged, if not sacked, and its corridors and chambers are crowded each day with the ever-changing but never-ending throng. Every Chief Executive, since the evil has grown to its present proportions, has cried out for deliverance. Physical endurance even is taxed beyond its power. More than one President is believed to have lost his life from this cause."<sup>1</sup>

December 27, 1882, the bill passed the Senate, 38 to 5, the minority being Democrats; January 4, 1883, it passed the House, 155 to 47, the majority consisting of 102 Republicans, 49 Democrats, and 4 Nationals, and the minority of 39 Democrats, 7 Republicans, and 1 National. By the approval of the President, January 16, 1883, it became a law.

President Arthur, in accordance with his promise, gave the law his earnest support. President Cleveland lost no opportunity to make it effective, and to increase its usefulness made wide extensions of its application. Both gave many expressions of satisfaction with its operation. Many heads of departments and of bureaus have testified to its successful operation in the offices under them. Expressions of opinion from these sources are given at some length in the Fourteenth Annual Report of the Civil Service Commission.

From a careful review of the policies of Administrations long past, more impartial conclusions may be drawn of the merits of the two opposing influences which are still contending for the control of portions of the civil service. When the records of an Administration are closed and filed away in the archives of history the colorings of partisanship and self-interest disappear, leaving only the naked outline of abiding principles. Who could learn without regret that Washington purchased his election by promises of patronage? Or that he secured a reelection by adroit manipulation of the offices at his disposal? It is not improbable that such action would have changed the character of this Government and the destiny of the world.

With two possible exceptions, all of the Presidents have at some time recognized the desirability of a pure administration of the service. That from the time of Jackson they failed to institute it, is not necessarily an indication of their insincerity; nor is it reason for discouragement, but for increased effort along more effective lines.

This long contention has been for no innovation, but simply for a return to the principles and practices of the first forty years of our national life. An experience of over fifty years with the spoils system has shown the necessity of opposing it with a strength greater than the unaided will of the Executive, with a system more uniform than orders which lapse with the Administrations which issue them, with tests and regulations for appointments and dismissals less variable than the mere judgment, will, or caprice of those briefly in authority at the heads of departments. The method of placing the service on the high plane it occupied under the first six Presidents must differ from one which would have been sufficient to keep it there. The end is the same.

On the part of the Presidents since 1829 there is no lack of recognition of the existence of abuses in the service. General Jackson advised Monroe "to exterminate that monster, party feeling." William H. Harrison declared that if not checked it would essentially and radically change the character, if not the designation, of the Government. Of the power of appointment and removal President Tyler affirmed that "nothing should be left to discretion which may safely be regulated by law." President Polk stated that although the President must of necessity be chosen by a party, "he should not be the President of a part only, but of the whole people of the United States." President Taylor said: "I shall make honesty,

<sup>1</sup> Senate Report No. 576, 47th Cong., 1st sess.

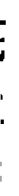


capacity, and fidelity indispensable prerequisites to the bestowal of office, and the absence of either of these qualities shall be deemed sufficient cause for removal." President Fillmore thus pledges himself: "I regard it as a sacred trust. \* \* \* It shall be my effort to elevate the standard of official employment." President Pierce, speaking of offices, says: "The public service imperatively demands that they be considered with sole reference to the duties to be performed." Buchanan makes the following reference to the service: "I invite Congress to institute a rigid scrutiny to ascertain whether the expenses in all the departments can not be still further reduced." Lincoln declares: "I am opposed to removals to make places for our friends. \* \* \* The office seekers demand all my time." Grant asserted that "the present system does not secure the best men, and often not even fit men." President Hayes asked for "a reform that shall be thorough, radical, and complete; a return to the principles and practices of the founders of the Government." Garfield asserted that "the civil service can never be placed on a satisfactory basis until it is regulated by law." President Arthur says "the burden has become greater than he (the President) ought to bear."

The most striking facts, though not surprising, disclosed by this review are the uniform recognition of abuses and the uniform failure to correct them. While the patronage system was outside the service it was comparatively easy to keep it out; but once thoroughly established, and under the favoring circumstances of a demoralized and rapidly increasing service, the evil was far too powerful to be overcome by any one man already overburdened by the affairs of the nation. The rejection of this conclusion necessitates the impeachment of a long line of Presidents for their failure to administer the service in accordance with their declarations of intention.

Our history and experience teach, if they teach anything, that effectual reform can be accomplished only by law; that unvarying tests of fitness must govern appointments and removals, and that the application of the law and the tests should be intrusted to a sufficient force of disinterested, efficient, and independent men.

It will be seen that our Presidents and statesmen from the beginning have had a clear apprehension of the abuses inevitable in the unrestrained use of the power of appointment, and that the principles embodied in the civil-service law are not new. One of the chief objects of the civil-service act is to restore the earlier and purer practice, and to return to the principles intended to be followed by the founders of the Government.



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## **PART VII.**

**GROWTH OF CIVIL SERVICE REFORM IN STATES AND CITIES,  
THE NEED OF EXTENDING THE MERIT SYSTEM, CIVIL  
SERVICE REFORM IN CURRENT LITERATURE, ETC.**

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## PART VII.—GROWTH OF CIVIL-SERVICE REFORM IN STATES AND CITIES, THE NEED OF EXTENDING THE MERIT SYSTEM, CIVIL-SERVICE REFORM IN CURRENT LITERATURE, ETC.

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### GROWTH OF CIVIL-SERVICE REFORM IN STATES AND CITIES.

#### REMARKS.

The success which has attended the application of the merit system to the Federal civil service has done much to encourage its application in a number of States and cities in the United States. The same evils which the Federal civil-service act was designed to remedy exist to a large degree in many of the State governments, and are especially aggravated in the administration of the local governments of many of our larger cities. The appointive offices in many of the States and cities have been almost without exception considered as political spoils to be divided as rewards among those who have rendered party service. The chief, if not the only, test of fitness for office in many cases has been party loyalty, honesty and capacity being merely secondary considerations. The result of this policy has been to foster dishonesty and extravagance, and to grossly corrupt and weaken the administrative forces of the local governments. The patronage system of appointment has produced the same unsatisfactory results in municipal and State governments that attended its practice in the Federal service. In consequence of this there has been, and is, a constantly growing tendency to apply the same checks to the local governments that have produced such salutary effects in the Federal service. The more intelligent class of citizens are now demanding that honest business methods be applied to local public service and that appointments be made on the basis of intelligence and capacity rather than on that of party allegiance. Not only are they demanding a higher degree of fitness in appointees to subordinate positions, but, in municipalities particularly, party lines are sometimes completely broken down in the endeavor to secure a higher order of administrative capacity and unquestioned integrity in elective officers. There is a strong tendency at the present time to completely separate municipal politics from State and national issues, and on the part of those seeking improvement in city government an almost unanimous insistence upon the application of civil-service reform to municipal affairs. In this connection Clinton Rogers Woodruff, secretary of the National Municipal League, in an article in the North American Review for October, 1898, says:

“Reform organizations, with scarcely an exception, insist that municipal affairs must be divorced from State and national politics and considered solely from a municipal standpoint. Every year instances multiply showing the growth of this doctrine. The selection of trained subordinates upon approved civil-service reform principles is quite as generally insisted upon by reform bodies as the one to which we have just alluded. Civil-service reform is a *sine qua non* of municipal reform. While the latter involves more than the former, to be successful it must include all of it. This has been universally recognized, and I do not recall a single organization dealing with the political side of municipal reform which does not strenuously insist upon it. It is a corner stone of the New York Citizen's Union and the Philadelphia Municipal League. The Civic Federation of Chicago is mainly responsible (in cooperation with the local Civil Service Reform Association) for the Illinois law. The Baltimore Reform League has always been a persistent advocate of the policy, and the St. Louis Civic Federation has just concluded a most active and aggressive campaign in behalf of the adoption of a civil-service reform amendment to the city's



charter. The Citizens' League of New Orleans secured civil-service reform as one of the first fruits of its magnificent victories. The National Municipal League has always stood for the principle and has worked in closest harmony and cooperation with the National Civil Service Reform Association, and it has never failed to make it a prominent topic for discussion at its conferences."

"It is hardly necessary at this late day and in this connection to discuss the reasons why this is so. Intelligent people generally have accepted these principles; officials who have been protected by their operation from the onslaught of the spoilsmen endorse them; experience has demonstrated their practicability. They will be engrafted upon our statute laws and constitutions and adopted in our municipalities when the inertia of the average citizen is overcome. The main difficulty is not with the acceptance of the principles, but in applying them. The attacks of the machine are less dangerous than the indifference of apathetic friends."

The increasing complexity of municipal government, largely due to the rapid increase of urban population and to the extension of the principle of municipal ownership and control of public utilities which is rapidly gaining ground in certain cities, renders the adoption of the merit system of appointment imperative. At the meeting of the League of American Municipalities held in August, 1898, at Detroit, Mich., President MacVicar, of Des Moines, Iowa, said:

"The public must own and operate all plants for the supplying of light and water. Probably it should extend its powers so as to take in street railways, heating plants, telephones, and other means of intramural communication. At all events there must be an end to the controlling and corrupting of our city governments by those interested in the manipulation of public comfort, even if the last vestige of private ownership in them shall be uprooted.

"To those good but misguided people, who, without having perhaps devoted time to an examination of the subject, and are therefore disposed to oppose municipal ownership and control of the natural utilities represented by water, gas, street railway, and electric-lighting plants, I would put this pertinent question: Whence this fertile source of those corrupt influences which too often debauch city councils, and as often lead State legislatures, and perhaps sometimes our National Congress astray? Did they ever hear of a city or State tempting a public official with bribery to betray the interests he has sworn to protect? Surely not. The potent cause to which public officials sometimes yield must be sought for elsewhere. Are not the colossal opportunities offered through the medium of exclusive privileges granted by city councils and legislatures the very foundation of this evil? I think you will agree with me that they are. Therefore if these valuable franchises, these splendid privileges, were reserved to the cities, would not this source of corruption, which has caused legislative bodies to become a byword among the people, cease to exist?

"Such a change involves the necessity of civil-service reform. I am aware that our Western metropolis, at a recent political convention, declared for municipal ownership of public utilities and for the repeal of the civil-service laws. To my mind it would be suicidal to enlarge the function of municipalities without providing for the thorough application of the merit system in appointments, promotions, and removals. We, who believe in municipal reform, are in the paradoxical position of proclaiming that our cities are doing badly that which they are doing, yet urging that they assume new duties. But the logic of our contention is better than it seems. Burden develops responsibility. There is a reserve of patriotism and capacity of self-government in our citizenship, to which we are not afraid to appeal. Nothing could do more to bring out the latent virtue of the indifferent citizen than freighting the ship of state, already, as he fears, overloaded, with still dearer interests. I am not afraid to startle our money-making voters by producing a situation which will alarm them into a state of perpetual political vigilance. They need not be alarmed. Arouse them to the seriousness of the prevailing conditions, and the spasmodic energy which now cleans the Augean stables of municipal corruption once in ten or fifteen years will be harnessed by unavoidable necessity and constant contact with these public servants, whose functions would be to sup-

ply them with street transportation, light and water, exert an influence that would not be satisfied excepting with the best service possible. Every citizen would be interested in securing the greatest efficiency in the public service, and in a very short time demands would be made by a quickened and enlightened popular sentiment for the enactment of a strict civil-service law. So long as the corporate interests operate these public utilities for private gain, just so long will we have uncompromising opposition to civil service and good city government. Remove first the incentive to this opposition, which to my mind can be accomplished by removing our public franchises from the public mart, and a new era will dawn in which the best citizenship will be the dominant force in municipal government.

"These two reforms (municipal and civil service) accomplished, there will be less to prevent the peaceful evolution of good government in municipalities. I place them first because they are logically first, and will open the way to others."

The following resolution was adopted by the League:

*Resolved*, That it is the sense of this convention of the League of American Municipalities that municipal questions should be absolutely divorced from the domain of partisan politics that rule in State and national affairs. The municipality should set the example for the State and nation in ministering to the needs of all of the people, and the best results can not be secured under a system of politics that seeks to consider as first only the interests of a few people who belong to the dominant party."

While the widest difference of opinion may exist as to the wisdom of extending the public functions of municipalities to include the ownership and control of public utilities, no one familiar with the signs of the times can for a moment question that present tendencies are strongly in that direction. Every new charter recently granted to any of our larger cities almost without exception has made provision for the ultimate ownership by the municipality of many public utilities. The people, whenever the matter is left to a popular vote, are demanding the extension of the principle of public ownership.<sup>1</sup>

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<sup>1</sup> The greater New York charter makes provision for the ultimate ownership and operation of certain public utilities.

The new charter of the city of San Francisco, recently adopted by popular vote of its citizens and approved by the State legislature, declares it to be the purpose and intention of the city and county that its public utilities shall be gradually acquired and ultimately owned by the city and county.

More than a year ago the people of the city of Chicago declared unequivocally in favor of municipal ownership of public utilities, while in the municipal election in the spring of 1899 all of the political parties expressed themselves as favoring this measure. The platform upon which Mayor Harrison was elected states:

"The principle has been firmly and finally established that the use of public property for the purpose of private gain shall not be allowed except upon the payment of adequate compensation for the privilege granted. \* \* \* In the light of increasing corporate corruption at home and municipal experience abroad, we declare in favor of municipal ownership of all public utilities at the earliest practicable moment. \* \* \* We hold that a proper civil-service system is an absolute prerequisite of municipal ownership."

More than 350 cities, and towns of the larger size, in the United States own and operate their electric-lighting plants, besides many of the smaller towns and villages. Twelve cities own and operate their gas plants, and 1,700 cities and towns, or over 53 per cent of all, own and operate their waterworks.

The municipal platform upon which Mayor Samuel M. Jones, of Toledo, was re-elected in the spring of 1899 by a vote of more than two-thirds majority provided, among other things, for the exercise of the following functions by the city itself:

The establishment of a city plant for the manufacture of fuel gas.

The control by the city of the electric-lighting plant.

The abandonment of the contract system on all kinds of work, such as digging sewers, etc.

The compilation and publication of the city directory by the municipality itself.

The establishment of kindergartens as part of the public-school system.

The sprinkling of the streets by the city itself.

A larger appropriation for street improvements.

A larger appropriation for public parks.

An appropriation for music in the parks.

The establishment of playgrounds for children.

The establishment of free public baths.

The erection of a city building.

This undoubted tendency toward the extension of public functions is, however, threatened by one danger of supreme gravity. The added functions will require a very material increase in the number of public employees. These, if appointed in accordance with the patronage system, will constitute an ever-increasing menace to public institutions and free government, for, welded together under the hand of strong political leaders and party bosses, their power in local government would be well nigh invincible, and would, as all past experience has shown, be used for corrupt and dishonest ends.

This consideration has been repeatedly urged by those opposed to any extension of municipal functions and is considered one of the most important arguments against the movement. The only alternative, then, is the application of the merit system and the consequent absolute elimination of party politics from the administration of nonpolitical public offices. Any great increase in the number of public employees without the thorough and honest application of the principles of civil-service reform will bring naught but danger and disaster to the people.

The subway was built at Boston for less than the estimated cost, and \$2,000,000 less than the amount appropriated, which sum was turned back into the treasury of the city. After completion the subway was leased at a rate which will pay for the bonded indebtedness and return it to the city free of cost and in good order within forty years. This was only possible because the municipal service at Boston had been freed from politics. It is not possible in New York, where efforts for rapid transit have thus far failed. Philadelphia failed in the management of its gas works and furnished the citizens with gas of such poor quality and so badly distributed that a large portion of its population approved of the leasing of the works to a private corporation, which has recently been effected. This bad management was the direct result of the spoils system, and the equally bad management of the waterworks can be largely traced to the same source. Owing to a dispute between factions of the majority party of Philadelphia, which dispute arose principally over the division of the offices, the city council has refused to appropriate money to put the waterworks in a proper condition, the result of which has been that during the present winter Philadelphia has been visited by a scourge of typhoid fever, resulting in the loss of more lives than we lost in the Spanish-American war. The attempt to improve the Erie Canal under the spoils system resulted in squandering the money of the State and depriving the people of the State of the great advantages of this waterway, and in preventing the wheat growers of the West from competing successfully with foreign wheat growers. These are only a few of the many instances of the enormous cost of the spoils system to the people.

The following is a summary of the present status of civil-service reform in the different States and cities of the United States, prepared in accordance with the latest available information:

#### NEW YORK.

An act similar to the Federal act was passed in this State on May 4, 1883. In 1894 an amendment to the constitution was adopted by the people of the State, containing the following language:

“Appointments and promotions in the civil service of the State and of all the civil divisions thereof, including cities and villages, shall be made according to merit and fitness, to be ascertained so far as practicable by examinations, which, so far as practicable, shall be competitive.”

This amendment went into effect January 1, 1895. Prior to that time a committee of the Senate had investigated charges respecting the administration of the State system by a commission appointed by Governor Flower. The results of this investigation are given in a report of that committee, which showed an unsatisfactory condition of affairs. A bill proposed by Governor Black was passed in 1897, providing that the control of competitive examinations for “merit” and “fitness” prescribed by the constitution for all classes of positions should be divided between the com-

mission and the department in which the appointment is made. The "merit" of the candidate was to be determined by the civil-service board and the "fitness" by the person or persons holding the power of appointment, "or by some person or board designated by the person holding such power of appointment." No rating higher than 50 per cent was to be given to any person for the element of "merit," and those passing higher than 35 per cent were to be sent on for examination by the appointing officer, who might also give a rating not higher than 50 per cent for the element of "fitness." The sum of the two ratings determined the place of the competitor on the eligible list from which appointments were to be made, and the first person on the list was to be selected for a vacancy, instead of permitting a selection of one from three, as was previously done. Commenting upon the operation of this system, Commissioner Burt, of the New York State civil-service commission, says:

"This partial return to the patronage system, by giving the appointing officers absolute control of the final 'fitness' examinations, whereby those lowest on the merit list could be raised to the first places on the eligible list, resulted in such abuses and perversion of the intent of the constitutional provisions, that Governor Roosevelt, in his first message to the legislature, on January 4, 1899, recommended the enactment of a law 'modeled in its essential provisions upon the old civil-service law, which was repealed by the civil-service law now on the statute books.' Such a law, with some new and important features suggested by experience, has been prepared, and will be introduced in both houses of the legislature about February 1, and will probably be passed at an early day."<sup>1</sup>

In the spring of 1899 the act of 1897 (the Black act) was repealed and superseded by the present civil-service law.

The following is a summary of its more important provisions:

#### THE CIVIL-SERVICE ACT OF NEW YORK STATE ADOPTED IN 1899.

The present civil-service law of New York State and that of Illinois are the most satisfactory measures of the kind thus far enacted in this country. The provisions for the execution of the New York act appear to be ample, and constitute perhaps the most peculiar merit of the law.

#### COMPOSITION OF THE COMMISSION.

Under the law the commission is to consist of three commissioners, not all of the same political party, appointed and removable by the governor, and confirmed by the senate, each to receive \$2,000 per annum and necessary traveling expenses. The commission may employ a chief examiner, a secretary, and such other employees as it may deem necessary, their tenure being during the pleasure of the commission. The commission may also select suitable persons in the official service of the State or any of its civil divisions to act as examiners.

#### POWERS OF THE COMMISSION.

The rules prescribed by the State and municipal commissions have the force of law. The commission may make investigations concerning the action of any person in the public service in respect to the execution of the act and the rules, and in the course of such investigations each commissioner, the secretary, and the chief examiner shall have power to administer oaths. The commission possesses all the powers conferred by the legislative law upon a committee of the legislature, "and may invoke the power of any court of record in the State to compel the attendance and testifying of witnesses and the production thereby of books and papers." The law provides that any person employed contrary to the provisions of the act or rules shall be paid by the officer so employing him, and shall have a cause of action against such officer for the compensation agreed upon or the actual value of the services and the cost of the action.

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<sup>1</sup> Passed. See next page.

## THE UNCLASSIFIED SERVICE.

The unclassified service comprises all elective offices; offices filled by the legislature; by the governor, except officers and employees in the executive offices; election officers; heads of departments; persons appointed by name in any statute; legislative officers and employees; and educational positions in the public-school service.

## TIMES AND PLACES OF EXAMINATION.

Examinations are to be held at least once a year in twenty-nine of the principal places in the State, covering all positions for which competitive examinations are required, except those examinations which require special tools or appliances.

## THE CLASSIFIED CITY SERVICE.

The mayor of each city in the State is required to appoint suitable persons, not more than two-thirds of whom are to be adherents of the same political party, to prescribe and enforce rules for examinations, appointments, and promotions, in the service of the city, and for the registration and selection of laborers, such rules to be approved by the mayor and the State commission. The law guaranteed the inauguration of the system in each city by providing that if within sixty days the mayor failed to appoint the municipal commission, or the municipal commission failed to prepare the rules, the State commission should make the appointment in the one case or prepare the rules in the other. The commissioners are removable by the mayor, or by unanimous vote of the State commissioners and the approval of the governor, for incompetence, inefficiency, neglect, or violation of the act or rules. The charge is to be a public record, however, and the accused is given the right to be heard in his own defense. The rules of a municipal commission are subject to revision at any time by unanimous vote of the State commission, upon the sole ground that the provisions of the act are not properly carried out, the written reasons for the action being filed as a public document.

## CLASSIFICATION OF THE STATE AND CITY SERVICES.

1. *The exempt class.*—Deputies authorized by law to act in place of principal executive officers; one secretary to each officer, board, and commission authorized by law to appoint a secretary; one clerk and one deputy clerk, if authorized by law, of each court, and one clerk of each elective judicial officer; in the State service all unskilled laborers, and such skilled laborers as are not included in the competitive or the noncompetitive class, and all other subordinate positions for which examinations may not be found practicable. A separate reason for each exception under the last clause is to be given in the annual report. Appointments to all these positions may be made without examination.

2. *The competitive class.*—This is to include all positions for which it is practicable to determine merit and fitness by competitive examination. The term of eligibility for each eligible list may be fixed at from one to four years. New lists are to be created only when there is no appropriate list for the vacancy to be filled. Open competitive examinations must have preceded transfer, except in cases of three years' faithful service in a similar position. In urgent cases, where there is no list of eligibles for a position, the appointing officer may nominate a person for noncompetitive examination, and upon certification by the commission that he is eligible, he may be appointed for such part of two months in the State service, or of one month in the city service, as may be required to fill the vacancy by competitive examination; but successive temporary appointments may not be made under this subdivision. Upon satisfactory evidence that for specified reasons competition in a special case is impracticable and that a position can be best filled by a person of high and recognized attainments of an exceptional character, competition may be suspended, but the reasons in each case are to be given in the



annual report. Temporary service, not to exceed one month in cases of urgent need, may be performed by an appointee from the proper eligible list without regard to his standing.

#### PROMOTION, TRANSFER, REINSTATEMENT, AND REDUCTION.

Promotions are to be based upon merit, competition, superior qualifications, and seniority. Promotions, transfers, and reinstatements from class to class must be previously authorized by the State or municipal commission. No person is to be promoted or transferred to a position involving essential tests different from or higher than those required for original entrance to the position held by him unless he shall have passed the examination or attained a place upon the eligible list for such higher position.

3. *The noncompetitive class.*—The noncompetitive class includes such positions as are not in the exempt class or the labor class, and which it is impracticable to include in the competitive class.

4. *The labor class in cities.*—In the labor class are included all laborers except those skilled laborers who are included in the competitive or noncompetitive class. Applicants are to be registered and preference in employment given according to date of application. Separate lists are to be established for different kinds of employment, and may be established for various institutions and departments and for local branches of the same. Applicants are to furnish such evidence in regard to age, residence, physical condition, ability to labor, skill, capacity, and experience as the commission may require.

#### OFFICIAL ROSTER.

Municipal and State appointing officers are to furnish complete data concerning all changes in the classified service to their respective commissions, and the commissions are required to keep an official record of each employee.

#### DISBURSING OFFICERS.

The law prohibits the payment of employees unless the pay roll containing the names of the persons to be paid shall bear the certificate of the State commission, or, in case of the city service, the certificate of the municipal commission, that the persons named have been employed or promoted in pursuance of the law and the rules; but an officer entitled to such certificate may obtain it by mandamus if necessary. Any officer appointing a person illegally, or drawing a warrant for the pay of such person, is liable for the sum paid; and said sum may be recovered from the officer making such appointment or drawing such warrant, and from the sureties of his official bond, in an action of the supreme court of the State, maintained by a taxpayer and citizen of the State.

#### PREFERENCES.

Preference in appointment and promotion is given to all honorably discharged soldiers, sailors, and marines from the United States Army and Navy of the late civil war who have the requisite qualifications. The law also provides that no removals shall be made of honorably discharged soldiers, sailors, and marines who served in the civil war, in the Spanish war, or in the Regular Army and Navy of the United States, or of firemen who served the term required by law in the volunteer fire department of any city, town, or village of the State, except for incompetency or misconduct, upon stated charges, with the right to such employee to a review by a writ of certiorari. Refusal to allow preference is to be deemed a misdemeanor, and the person aggrieved has the right of action in court for damages and a remedy by mandamus for righting the wrong.

## PROHIBITIONS AND PENALTIES.

Willful deception of a person in matters pertaining to his examination and false ratings, the furnishing of secret information pertaining to examinations, and political coercion and assessments are forbidden and declared to be misdemeanors. Any person holding a public office or seeking nomination or appointment thereto who shall corruptly use or promise to use any official authority or influence in securing any office or public employment, and any public officer who shall use or promise or threaten to use his influence to coerce or persuade the vote of any citizen, or the removal or promotion of any public employee, shall be guilty of bribery or attempted bribery, and upon conviction be punishable by a fine of not less than \$100 nor more than \$3,000, or by imprisonment for not less than ten days nor more than two years, or to both said fine and imprisonment.

The strength of the New York law lies chiefly in the following facts: In the competitive class the eligible standing highest must receive the first appointment; the intent of the law can not be evaded by successive temporary appointments to a position; the rules when approved have the force of law; in investigations of the acts of public officers the commission is given all the powers of a legislative committee; salaries may be paid from the State treasury only to those certified by the commission as legally entitled to receive them; and, finally, in the ample provisions made by the law for its enforcement and for the punishment of those who violate it. Experience has shown that a civil service commission, in order to enforce the law and the rules, must have powers which will make it something more than an advisory body, and these the State commission of New York happily possesses.

## MASSACHUSETTS.

An act was passed in Massachusetts June 3, 1884, which in its general features was based upon the Federal act and the New York act. Under this act the application of the system to the service of the cities and the State was under the sole direction of the State civil-service commission, thus securing not only uniformity of procedure, but also great economies in the administration of the law. Very nearly all of the employees of the State and of the larger cities are included under the merit system. The only exceptions are those defined in the statute itself and a number of private secretaries to executive officers. In addition to the inclusion of practically all positions of a clerical character in the State service, the system is applied to the prison, fire, police, and school janitor, and other services in the city of Boston, and has also been applied to a greater or less degree in each of the following cities of the State:

Brocton,	Cambridge,	Chelsea,
Everett,	Fall River,	Fitchburg,
Gloucester,	Haverhill,	Holyoke,
Lawrence,	Lowell,	Lynn,
Malden,	Marlboro,	Medford,
New Bedford,	Newton,	Northampton
Pittsfield,	Quincy,	Salem,
Somerville,	Springfield,	Taunton,
Waltham,	Woburn,	Worcester.

The service has been extended to include the registration system for laborers. This system is now in force in the cities of Boston, Cambridge, Everett, New Bedford, Newton, and Worcester, and has operated very satisfactorily. An act was recently passed by the State legislature permitting the adoption of this system in any city in the State in which the council might make an appropriation therefor.

## ILLINOIS.

An act to regulate the civil service of cities was approved by the legislature of Illinois on March 20, 1895. The act provided that the mayor of each city which should adopt the act should appoint three commissioners to be known as the civil

service commissioners of such city. The full term of office of such commissioners is three years. This act includes all that is embraced in the Federal act, the act of Massachusetts, and the original act of New York, and goes much further than any of these in the method of its application. It, for instance, requires the appointment of the eligible standing highest upon the list instead of giving discretion in selection among the highest three eligibles. It forbids removals except for cause, upon written charges after hearing by the civil service commission. It forbids the payment of salaries by the comptroller or other auditing officer except on certificate of legal appointment furnished by the civil service commission. It empowers the commission to administer oaths and to compel the attendance of witnesses in conducting its investigations. It also makes specific provision for competitive examinations for promotion under rules similar to those that govern examinations for original appointment. Prosecutions for violations of the act may be instituted either by the attorney-general, the State's attorney for the county in which the offense is alleged to have been committed, or by the commission acting through special counsel, such suits to be conducted and controlled by the prosecuting officers who instituted them. This act is one of the most complete of the civil-service acts that have thus far been adopted.

*Chicago.*—The civil-service act approved by the Illinois legislature was adopted by the city of Chicago by a popular vote of its citizens, there being a majority of 50,000 in favor of its adoption. This act was tested in the State courts, which have decided in favor of the application of the rules in the department of education and in the police boards. A decision of the State supreme court makes the rules applicable to the entire police force with the exception of the chief of police, and applies also to all high offices the duties of which are analogous in character to those in other departments. Over 100 of these higher places have been vacated since the decision and such vacancies filled from eligible lists.

The classified service of the city of Chicago includes all officers or employees of the city, other than those elected by the people or those who are elected by the city council pursuant to the city charter, or whose appointment is subject to confirmation by the city council, judges and clerks of election, members of any board of education, the superintendent and teachers of schools, heads of any principal department of the city, members of the law department, and one private secretary to the mayor.

With the exception of the positions specifically enumerated above, no positions in the service of the city of Chicago are excepted from competitive examination.

*Evanston.*—On April 16, 1895, a large majority of the voters of Evanston decided in favor of the adoption of the provisions of the State civil-service act to regulate the civil service of cities. The classification of positions and the general application of civil-service rules are very similar to the city of Chicago.

#### WISCONSIN.

In 1895 an act was passed in the Wisconsin legislature authorizing the adoption of civil-service rules by cities of the first and second class. This act is similar in many respects to the Federal act, but makes the following additional provisions:

1. Rendering it illegal for a comptroller or accountant or auditing officer of a city to allow the claim for services of any person employed in the public service in violation of the provisions of the civil-service law.

2. Providing that prosecutions for violations of the civil-service law may be instituted either by the attorney-general, the State's attorney for the county in which the offense is alleged to have been committed, or by the board acting through special counsel; such prosecutions to be conducted and controlled by the prosecuting officers who instituted them, unless they request the aid of other prosecuting officers.

3. Giving the commission, when conducting the investigations, power to administer oaths and to secure by its subpoena both the attendance and testimony of witnesses and the production of books and papers relevant to such investigations.

*Milwaukee.*—The civil-service law and rules have been in operation in this city for nearly four years, and embrace nearly 3,000 city employees, including laborers who are appointed through a system of civil-service registration and oral examination. The chief examiner and secretary in his last report says:

“In conclusion, I can safely venture the assertion that the merit system has continued to exert a beneficial influence upon the quality of public service; that every taxpayer is benefited financially by the economy resulting from more efficient and honest government, all taxpayers and nontaxpayers by the enjoyment of better health, improved schools, more pleasure, and greater convenience in every respect as a result of the more careful and effective application of public funds, and that the only class of people deriving advantages from the spoils system are boodlers and political henchmen, and that all good citizens ought to uphold and, if necessary, defend civil-service reform in all departments, and on all levels of government, as the best safeguard for our free institutions.”

*La Crosse.*—The police and fire departments of La Crosse are under the civil-service rules, and a great increase in efficiency is reported by the mayor.

*Superior.*—The police and fire departments, numbering together about seventy-five employees, are under the civil-service rules. The mayor states that he believes that the merit system betters the service.

*Sheboygan.*—The police and fire departments, numbering about thirty employees, are now under the civil-service rules, and it is stated by the mayor that the new system is very satisfactory.

*Janesville.*—The police and fire departments, numbering about forty-one employees, are now under civil-service rules.

*Fond du Lac.*—The police and fire departments of this city are now under the civil-service rules.

*Milwaukee County.*—The house of correction of Milwaukee County was placed under the civil-service rules about two years ago by special act of the legislature. Another bill of like import has been recently introduced with reference to the county hospital.

## LOUISIANA.

*New Orleans.*—In 1896 the city charter of New Orleans was amended so as to provide for the adoption of the civil-service system in its municipal government. The civil-service rules are administered by a board consisting of three commissioners appointed for a period of twelve years, one commissioner being appointed every four years. Among the more important provisions of the city charter with respect to civil-service reform are those providing that no officer or employee in the classified service who shall have been appointed under said rules, and after such examination shall be removed or discharged except for cause, upon written charges and after an opportunity to be heard in his own defense, such charges to be investigated by or before said board of civil service commissioners or by or before some officer designated by said board to conduct such investigation, the decision of such board or officer to be final.

Another section provides that the board shall investigate the enforcement of the act and rules, etc., and in the course of such investigations each commissioner shall have power to administer oaths, and said board shall have power to secure by its subpoena both the attendance and testimony of witnesses and the production of books and papers relevant to such investigation. It is further provided that any refusal or neglect to appear or testify, or to produce books and papers relevant to the board's investigations shall constitute a misdemeanor to be punished in accordance with other provisions of the city charter. The appointing officer is required to appoint the person standing highest on the appropriate eligible register and is not permitted to make selection from among the three rated highest, as in the Federal civil service.

The charter further makes stringent provisions with respect to the payment of any money or other valuable thing to any person whatever for or on account of his appointment or proposed appointment or his promotion if in the service.

The civil-service provisions of the charter, as a whole, appear to be very complete, and amply provide for a thorough enforcement of the principles of civil-service reform.

### INDIANA.

In 1895 the legislature of Indiana removed the charitable institutions of the State, consisting of the schools for the blind and deaf and the four hospitals for the insane from the influence of party politics. In 1897 the Indiana Reformatory was established and removed from political control. Its board of four trustees is composed of two representatives from each of the principal parties, and the merit system has been thoroughly enforced. In its ninth report the board of charities states that—

“These institutions are now run upon business principles, and in most of them the administration is exceedingly gratifying. \* \* \* The spoils system has been superseded by the merit system. Under no other plan could a reformatory be successfully administered.”

The board further states:

“There remains but one institution in the State under political control, that is the State prison. It is well understood there and elsewhere that this board does not regard with favor a system which permits appointments for political reasons. The board of State charities has from the time of its organization favored the separation of our public institutions from the parties in control. The people of all parties desire this. \* \* \* As a result, Indiana has achieved the reputation and secured the advantage of having removed almost all our State institutions from political rule. The State prison alone remains under such sway. We desire to again urge in the strongest manner possible that it, too, be removed from the domain of politics and be placed under management similar to that of the other institutions.”

### CONNECTICUT.

*New Haven.*—The State of Connecticut passed an act in 1897 amending the charter of the city of New Haven authorizing that city to introduce civil-service reform in its municipal government. This act went into effect in January, 1898. The civil-service board is composed of the superintendents of the police and fire departments, and three citizens who shall serve without pay appointed by the mayor, and not more than two of whom shall be of the same political party. The rules adopted by the board provide, in addition to competitive entrance examinations, for competitive examinations for promotion in the police and fire departments. Certifications for appointment to all classified positions except that of laborer comprise all the eligibles on a given register, and the appointing officer is not restricted as to his choice. In certifying laborers, twice the number required may be certified to the appointing officer. It is made unlawful for the comptroller of the city to make payments of salary or other compensation to persons not appointed in accordance with the civil-service rules.

From January, 1898, to the end of January, 1899, the entire period covered by the operations of the New Haven civil-service board, there has been a total of 153 persons examined and 42 appointments have been made. It is stated that the board has had the cordial support of the mayor and of the greater number of the heads of departments, and the results have thus far been eminently satisfactory.

### CALIFORNIA.

A bill has been introduced at the present session of the State legislature providing for the introduction of civil-service reform in all the State offices.

*San Francisco.*—The new charter for the city of San Francisco, which has been recently adopted by popular vote in that city and approved by the State legislature, provides for the establishment of a very thorough and complete civil-service system. Among the provisions of the charter worthy of note are the following:



The mayor is required to appoint three persons, known by him to be devoted to the principles of civil-service reform, who shall constitute the civil service commission, the term of appointment being for three years, and so arranged that one commissioner is appointed each year. It forbids removal except for cause, upon written charges, after a hearing by the civil service commission. The commission is empowered to institute and prosecute legal proceedings for violations of any of the provisions of the civil-service law. Provision is made for competitive examination for promotion and for certification in a manner similar to that for original appointment. The selection of laborers is to be governed by priority of application only. The scope of the rules in the main is very much the same as for the city of Chicago, the only essential difference being that the appointing officer is not limited to a single name, but is permitted a selection from the three highest on the register.

#### WASHINGTON.

*Seattle.*—The city of Seattle, at a general election held in March, 1896, adopted a new city charter, which incorporated in substance the provisions of the civil-service acts of Illinois and Massachusetts. The law became effective on April 20, 1896, by the adoption of civil-service rules. These rules, in the main, are similar to those for the city of Chicago and contain a number of provisions in addition to those comprised in the Federal act and rules. All officers and employees, with certain specific exceptions, were brought under the rules, and were compelled to stand competitive examination in order to retain their positions. But few changes were made as the result of this examination.

Certain provisions of the Seattle act and rules, which are worthy of comment, are as follows: Every officer or employee in the classified service shall hold office until removed or retired. Any officer or employee in such service may be removed by the appointing power only upon the filing with the commission of a statement in writing of the reasons therefor; the officer or employee to be given a hearing before the commission, and if the removing officer is not sustained by the commission the removed officer or employee must at once be reinstated. In the case of an investigation each member of the commission has the power to administer oaths, and the commission has the power to require the attendance of any officer or employee or other person and the production of books and papers relevant to such investigation. It is made unlawful for the city comptroller to approve or the city treasurer to pay any salary or wages to any person for service as an officer or employee of the city unless such person is occupying an office or place of employment in accordance with the provisions of the civil-service law. Express provision is also made for competitive examinations for promotion and for the certification for promotion in the same manner as for original appointment. The rules provide that whenever the commission is notified that efficiency in any special subject is needed in the position to be filled it may certify the names of three persons on the eligible list having the highest standing (not less than 70 per cent) in such special subject. The secretary of the commission recently stated that—

“Since the inception of the merit system in our city it has become generally popular in all cases except among politicians, and the heads of departments have frequently expressed themselves as satisfied with its operation.”

#### OHIO.

*Toledo.*—In the city of Toledo the board of police commissioners has adopted the merit system of making appointments in the police department of the city. In a recent letter to the Commission, commenting upon the merit system, the mayor of Toledo states:

“The rules went into effect September 1, 1897, with the result that we have had *most marked* improvement in every department of this service. It has been strictly *applied*, no vacancy having been filled except from the eligible list created by regu-

lar and carefully prepared examinations. You understand, however, that the board created these rules, so it can at any time annul or set them aside; and, indeed, that matter is now seriously contemplated by certain machine politicians who are making a great effort in this particular election to get into position to set aside the civil-service rules so that the department may again be used for the payment of political debts. I believe the people of the city are very largely in favor of a continuance, and even its extension to other departments of the city; but the well-known methods of business that the "machinists" apply to politics are a great barrier in the way of progress of this kind; the other and greater—indeed, the greatest—barrier to progress of every kind to-day is the vast army of unemployed men.

"I am satisfied that the desire of the politicians to set aside the civil service is not entirely a venal one; to a great extent it is inspired by love and the real wish to do something to make places for friends, men who find it impossible to get a foothold upon the earth in our present competitive struggle. Personally I am thoroughly committed to the civil service as being immeasurably better than the old spoils system of filling public offices, yet I can not fail to recognize that there is a measure of injustice in life tenure. If we expect to continue a system (competition) that makes it morally certain that vast numbers of us must be denied the right to live reasonably decent lives because of enforced idleness, because of our inability to find work—if this is to continue, I say, it is clear to me that it is nothing more than fair play to say that all of us who are patriotic ought to be willing to take our turn at enforced idleness and consequent degradation, wretchedness, and starvation. This is a perfectly reasonable and legitimate conclusion, if we are to live in a government of equals before the law. I think the merit system will prevail in any ideal government that ever may be realized, but the cause that inspires nearly all the opposition to the civil service to-day is the social injustice that I have thus briefly pointed out."

The platform upon which Mayor Jones was reelected in the spring of 1899 provided for the establishment of the merit system of appointment and tenure in all of the departments of the municipality.

## TEXAS.

*Galveston.*—Complete civil-service rules are now in operation in this city. They were modeled on those for the city of New Orleans, and were prepared by a special commission appointed for the purpose by the city council.

## PENNSYLVANIA.

At the late session of the legislature a bill was passed applying the civil-service rules to the police and fire departments of cities of the second class.

A bill was also introduced providing for the application of the merit system in the administrative offices of the State and of cities and counties containing over 150,000 population. Its provisions, in the main, are similar to those of the Federal civil-service act.

*Philadelphia.*—In June, 1885, a civil-service act was passed to govern the civil service of the city of Philadelphia. The machinery for carrying out the provisions of this act is, however, so poorly provided for, being vested exclusively in the hands of the appointing officers, that no thorough nonpartisan enforcement of the law has thus far been possible. The workings of the civil service under this law have consequently been very unsatisfactory. Commenting upon this law, Mr. R. Francis Wood, secretary of the Civil Service Reform Association of Philadelphia, says in a recent letter to the Commission:

"I inclose herewith the provisions of what we call here the 'Bullit' bill, which relate to the appointments in the municipal service, and think you will agree with me that the provisions are well drawn. The chief trouble is in the machinery for carrying out the law, which, you will see, consists of the mayor and heads of departments, or, in other words, the appointing powers. At the time the act was

drawn Gen. I. J. Wistar, who was instrumental in having these provisions put in the law, and I had a talk over the matter, and I remember criticising this feature; but he hoped that a board consisting of such competent officials would do its work as well as an independent commission. He has since said to me that it was evident he was mistaken in this, and I venture to think that this is the chief cause of the inefficient operation of the act. This civil-service board makes no annual report, so that there is little chance for public criticism of its omissions and commissions.

"The rules and regulations which have been drawn up under this act have always been defective, and our association has labored with each succeeding administration to have improvements made. Some of the evils of the regulations are these:

"1. That no public notice is given of examinations.

"2. That no list is given publicity of those who have passed.

"3. That in the police and fire departments the whole eligible list is certified to the appointing officer, no matter how many vacancies there may be to be filled, and in other branches of the service five are certified.

"This last regulation led Mr. Dorman B. Eaton once to say that it was practically the spoils system. You will see that we can not hope for very much from such regulations, even if strictly carried out, but when, as I say above, the board that administers the system does not have to make any public report, in addition to the defects of the regulations themselves, the result is that the system is very loosely administered."

#### GEORGIA.

*Atlanta.*—A measure for the inauguration of the merit system in the police department has been recommended by the mayor to the city council, and it is believed that it will be favorably acted upon. The members of the ordinance committee to whom the measure was referred are unanimously in favor of the reform.

#### MICHIGAN.

An effort is now being made to secure the enactment of a civil-service law for the cities of this State. A bill has been framed similar in its provisions to the Illinois act.

#### TENNESSEE.

*Memphis.*—Civil-service rules are now in course of preparation for the municipal service of this city.

#### COLORADO.

A bill was introduced in the State legislature at its last session providing for the application of the merit system to the appointive offices in the State, and in counties and municipalities having over 20,000 inhabitants. The main provisions of the bill are similar to those of the Federal civil-service act. In a recent letter to the Commission, Mr. Henry Van Kleeck, president of the Civil Service Reform Association of Denver, says: "The press of the city and the leading papers throughout the State have been unanimous in supporting this (civil service) reform. There has been a great and encouraging increase in public sentiment demanding it, and we feel more than heretofore that we will be able to succeed with the necessary legislation in the next assembly."

*Denver.*—For the past two years the fire and police departments have been voluntarily placed under civil-service rules by the fire and police board.

*Pueblo.*—On May 9, 1899, the city council passed an ordinance placing the fire and police departments under civil-service regulations, and pledging the council to use every effort to assist in the passage of a proper civil-service law by the next general assembly, two years hence.

#### FLORIDA.

*Jacksonville.*—The police department of the city of Jacksonville has been placed under control of the board of bond trustees, to be administered in accordance with the principles of civil-service reform.

## THE EXTENSION OF THE OPERATION OF THE CIVIL-SERVICE LAW AND RULES.

### THE MUNICIPAL SERVICE OF THE DISTRICT OF COLUMBIA.

The title of the act of January 16, 1883, is "An act to regulate and improve the civil service of the United States." The following is a provision of section 6, paragraph third, of this act:

"Each head of an office shall, on the direction of the President, and for facilitating the execution of this act, respectively, revise any then existing classification or arrangement of those in their respective departments and offices, and shall, for the purposes of the examination herein provided for, include in one or more of such classes, so far as practicable, subordinate places, clerks, and officers in the public service, pertaining to their respective departments not before classified for examination."

The general authority conferred upon the President by this provision is limited as follows in the succeeding section of the act:

"Nor shall any officer not in the executive branch of the Government \* \* \* be required to be classified, or to pass an examination."

From the title and provisions quoted, it seems perfectly clear that the President is expressly authorized to bring within the provisions of the civil-service laws and rules any officer or class of employees that can be said to be in the executive branch of the United States Government.

It may be accepted without argument that the office of the Commissioners for the District of Columbia is an executive office, and therefore the question of the authority of the President to extend the classification to that office resolves itself into the question "whether said office can be said to be a United States office." This question will now be considered.

The following is one of the enumerated powers expressly granted to the Congress of the United States by the Constitution (Art. I, sec. 8, clause 17):

"To exercise exclusive legislation in all cases whatsoever over such district (not exceeding ten miles square), as may by cession of particular States and acceptance of Congress become the seat of Government of the United States."

In the exercise of this power Congress has the exercise of sovereignty over the District of Columbia, and, what is more to the point, *has* exercised it, *not* in a *separate* capacity as legislature for the District of Columbia, *but* in its capacity as *Congress* of the *United States*. All legislation affecting the District of Columbia has been enacted as United States laws, and all appropriations for offices of the District of Columbia have been made as appropriations for United States offices.

As having a direct bearing on the question, it should be noted that the courts of the District have always been regarded as United States courts, the judges thereof being retired with pay, the same as other United States judges.

Furthermore, all executive power and authority over the District of Columbia is conferred upon and exercised by the President of the United States, and that, too, in his capacity as President of the United States. All appointments of officers of the District of Columbia are vested in the President presumably in conformity with the power conferred by clause 2, section 11, Article II, of the Constitution, as follows:

"He (the President) shall nominate, and, by and with the advice and consent of the Senate, shall appoint ambassadors, and other ministers and consuls, judges of the Supreme Court, and all other officers of the United States whose appointments are not herein otherwise provided for."

The foregoing would seem to justify the positive conclusion that the office of the Commissioners of the District of Columbia is not only an executive office, but is an office of the United States, and its officers and employees are United States officers and employees, and that therefore the President has full authority to extend to said office, officers, and employees the provisions of the civil-service laws and rules.

The Annual Report of the Commissioners of the District of Columbia for 1897 contains the following:

It should be the aim and desire of those charged with the control of the affairs of the District of Columbia to conduct its business for the best interests of the United States and of the taxpayers. Looking to that end, all employees of the District government should be selected and retained wholly upon a basis of merit and efficiency. Partisan control of the affairs of the District has been ignored by every President of the United States since the establishment of the present form of government in 1878, by the appointment upon the Board of District Commissioners of a representative of each of the great political parties.

With all the departments of the General Government under the protection of the civil-service law, every change in the Administration of the General Government brings to the officials in charge of the District government demands for appointments impossible of recognition, but which are dangerous to the interests of the District, and which seriously interrupt and sometimes practically prevent the conduct of its rapidly increasing business interests.

The Commissioners strongly recommend that the District government be included within the protection of the civil-service law.

In their Annual Report for 1898, the Commissioners renew their recommendation that the municipal service of the District of Columbia be placed within the purview of the civil-service law and rules, and add:

The reasons for such action, given in previous annual and special reports, still apply, and with increased force.

Reasoning and conclusion similar to the above are applicable to the offices of the recorder of deeds and of the register of wills of the District of Columbia.

#### ASSISTANT POSTMASTERS-GENERAL.

"With the gradual inclusion of its employees in the classified civil service, in which reform the President's order of May 6, 1896, has made another step, it is becoming less and less a political machine and more and more a strictly business establishment. To complete this reform two more advances are necessary:

(1) To secure fixity of tenure during efficiency and good behavior to the three Assistant Postmasters-General, *whose work is entirely nonpolitical*, whose capacity to deal with the large machinery and great expenditures of their respective bureaus must come in great measure from experience, and who preserve the continuity of the Department not in mere desk or division work, but in general administration. It is safe to say that the proper training of a bureau chief, up to the point where he may have a vigorous grasp and accurate knowledge of his duties, is a very costly thing for the Government."—*Report of the Postmaster-General, 1896.*

#### THE CONSULAR AND DIPLOMATIC SERVICE.

"\* \* \* My friends of Shanghai, were I asked now by you directly, 'What is the first great desideratum for American success in the Philippines, Porto Rico, Hawaii, and Cuba?' I would reply unhesitatingly and yet deliberately, *Men*. Given first an act of Congress providing for a special civil service for such possessions, out of which politics will be barred and bolted; then given, secondly, men of quality and integrity, for we have plenty of them, to fill the necessary positions, and the problem of American government or control of the islands will be forever solved. Then, if this comes, there must follow reform and improvement in the diplomatic and consular service, and the United States will enter upon a new and grander epoch of foreign relations which will benefit herself and other nations alike."—*Hon. John Barrett, late United States minister to Siam (1894-1898), in address before the Shanghai General Chamber of Commerce, January 12, 1899; also before the Oriental Society of Tokyo, Japan*

#### ALASKA.

"Finally, the demands of the spoils system have often sent unfit men to Alaska. The duties of these officials are delicate and difficult, requiring special knowledge as well as physical endurance. Considerable experience in the north also is necessary for success. When positions of this kind are given as rewards for partisan service,



the men receiving them feel themselves underpaid. The political 'war horse,' who has borne the brunt of the fray in some great convention, feels himself 'shelved' if sent to the north to hunt for salmon traps, or to look after the interests of half-civilized people, most of whom can not speak a word of English. A few of these men have been utterly unworthy, intemperate, and immoral; and occasionally one, in his stay in Alaska, earns that 'perfect right to be hung' which John Brown assigned to the 'border ruffian.' On the other hand, a goodly number of these political appointees, in American fashion, have made the best of circumstances, and by dint of native sense and energy have made good their lack of special training. The extension of the classified civil service has raised the grade of these as of other governmental appointments. The principles of civil-service reform are in the highest degree vital in the management of colonies."—*David Starr Jordan, president of Leland Stanford University, California. Investigation of the condition of the seal industry, at the request of the Government. Atlantic Monthly for November, 1898.*

### NEED OF CLASSIFYING THE FORCE TO BE EMPLOYED IN TAKING THE TWELFTH CENSUS.

The attitude of the Commission in respect to the classification of the Census employees is set forth in the following extract from a communication, dated February 7, 1899, addressed by the Commission to a member of the Senate Committee on the Census. It shows the ability of the Commission to promptly furnish eligibles for appointment to clerical and other positions in the Census Office in the event of its classification:

There are at the present time 1,486 eligibles on the departmental clerk registers, distributed by States, as shown in Exhibit A,\* accompanying this letter. There are on the typewriting and stenography registers 465 eligibles, widely distributed as to legal residence, while on the bookkeeping register there are 120 eligibles. It will, therefore, be seen that the Commission could immediately supply a total of 2,071 eligibles for appointment to clerical positions, while large registers exist for such positions as watchmen, messengers, messenger boys, skilled laborers, etc., which would be more than equal to any probable demand. Furthermore, should there be any necessity for the early appointment of a greater number of eligibles than the Commission now has upon its registers, special examinations could be held and additional eligibles be secured in ample time to meet the needs of the service.

With respect to positions requiring technical or scientific qualifications, the Commission has been especially successful in furnishing well qualified persons for positions of this character for the classified service, and it could without doubt readily and promptly secure persons possessing the requisite technical or scientific qualifications for such positions in the Census Office.

It is a noteworthy fact that during the last census while many clerks who were highly efficient in the performance of their duties were also able to pass the clerical examinations of the Commission with high general averages, the great majority of those employed in the Census Office, who while thus employed took the clerical examinations of the Commission, were found to be far below the average in general intelligence and clerical ability. Statistics prepared on this point on several occasions showed that only about 50 per cent of the applicants who were employed in the Census Office were able to pass the Commission's examinations, while of all other applicants for the same examinations throughout the country about 67 per cent passed. Further, it may be presumed that only those employees of the Census Office who believed themselves able to pass entered the Commission's examinations, while hundreds, presumably not so well qualified even as these, refrained from attempting them. The fact that appointments to the departmental service are made from among those highest in grade on the eligible registers would signify that there is a much wider margin of difference in intelligence and clerical capacity between the average employee of the last census and the average civil service appointee in the departmental service than the figures given above would indicate.

Attention is also invited to the accompanying Exhibit B,\* which shows by a contrast the much greater equality in the apportionment of appointments by States secured under the civil service system than under the methods in use during the last census. It will be seen in the Census Office that while certain States and Territories and the District of Columbia received an excessive share of appointments, other States fell far below the quotas to which they were entitled. In this connection it may be also stated that it is well known that many persons locally resident in the District

\* The facts being indicated in the text sufficiently for the present purpose, these exhibits are not here published.

of Columbia or in near-by States were accredited to remote States and charged with the share of appointments to which certain Members and Senators from those remote States were entitled under the method of distributing appointments then in force. Many appointees, in fact, were accredited to States they had never seen. It is therefore probable that the disproportion shown in these figures does not show the real disproportion that, owing to the practice just mentioned, actually existed in the distribution of Census Office appointments.

In this connection it may be proper to state that if any tests of fitness or examinations as to intelligence and clerical capacity are to be required of applicants for positions in the Twelfth Census, the Commission has the complete official machinery already organized for promptly and economically conducting such examinations. It now tests the qualifications for appointment to over 86,000 positions in the classified service, and with no material increase in the expense it could easily conduct any examinations required to test the fitness for appointment to the Census Office. With one office fully organized, equipped, and trained for the work of conducting examinations and rating examination papers, the economy of creating another office or organization for the same purpose, as is contemplated in the bill now under consideration, is not apparent.

The general character of the duties to be performed by the employees in the Census Office is quite similar to that performed by the great majority of employees in the departmental service, and it is believed that the same degree of increased economy and efficiency would result from the inclusion of these employees in the classified service that has attended the application of the merit system to the departmental service. The Commission is therefore of the opinion that, from considerations of economy and efficiency in the service and equity and fairness in methods of appointment, the employees of the Twelfth Census should be included within the provisions of the civil-service act and rules.

One of those engaged in the taking of the Eleventh Census thus describes some of the facts which came under his personal observation:

In a section consisting at one time of twenty-one people, who were engaged in the mailing department of the office, addressing envelopes, mailing bulletins, and other duties incident to the mailing department, there were only four people, other than the chief of the section, who were available for any character of work whatsoever. Three clerks were absolutely demented; three were, by reason of being maimed, wholly unfit to be of any service; two, by reason of disease (consumption), were valueless; two, being sons of chiefs of division in the office with a "pull," were *immune*; the other six were wholly worthless by reason of age or disinclination. It is but fair to say that this condition did not last throughout the period of taking the census. The larger number of these people, however, served more than two years, and several of them for a much longer period. It would seem that this particular section was the Botany Bay of the Eleventh Census, but the same state of affairs existed in a lesser degree throughout the office. It needs no argument to convince one that this state of affairs could not exist under the "merit" system established under the civil-service act and rules. Being appointed as skilled laborers, *these people were not required to take an examination*, although doing clerical work.

Another feature of the work of the Eleventh Census, which makes clear to my mind that the next force should be selected from those who had passed a competitive civil-service examination, was the exceedingly large percentage of errors made, particularly in the punching of cards. All of the data relating to the census was transferred from the original schedules to cards, each hole punched in a card representing some material fact, such as "native born," "foreign parents," "white or colored," etc., in some cases as many as thirty or forty facts being indicated by punches on a single card. The symbol representing each condition of fact must be carried in mind or else the progress in punching the cards would be so retarded as to make the electrical punching machines of little value. I think it will be readily conceded that a clerk doing this character of work should be a person of good mind as well as a skilled clerk.

There was at all times a "division of revision and results" in the office, consisting of a chief and from thirty to seventy of the best clerks obtainable. Notwithstanding this check upon error it was found necessary to establish a section of about seventy people to look after the errors of punching cards alone. Here we find as many as one hundred and forty people whose time was wholly devoted to correcting faulty work. Errors, of course, would unavoidably creep into a work of the magnitude of the Eleventh Census, but I believe that a careful selection of the clerks under the rules of the Civil Service Commission would have tended to minimize their number. Notwithstanding the "revision" division and "error" section before spoken of, it was found at the very last moment before the publication of the final results that the work was so inaccurate that the portion of it relating to occupations (see Report of Commissioner of Labor, in charge of Eleventh Census, June 30, 1895, pp. 4, 5) had to be subjected to still another revision, which delayed its pub-

lication for more than a year. The expense incident to this was great, owing to the fact that all other census work had been completed, and the office remained open only to complete that section of the report on "Population, and vital statistics relating to occupations."

Considerable stress is laid upon the fact that examinations were held in the office to test the fitness of clerks before they were employed. I beg to suggest that the highest number of clerks employed at any one time numbered about 3,200. Of these only about 1,700 were examined. The larger part of the *working force* of the office was, in point of fact, never subjected to an entrance examination. Only the high-grade clerks, namely, those from \$900 per annum up, were required to pass the entrance examination. It can be readily shown, as I suggest above, that the greater part of the clerical work was performed by what was termed "skilled laborers," who received \$600 per annum only, and were exempt from examination.

In its Fourteenth Report, pages 66-68, the Commission presented statements from Hon. Carroll D. Wright and Prof. Walter F. Willcox respecting the method of selecting employees in taking the census. In closing his statement, Mr. Wright said:

The above statements more than justify the opinion which I expressed in the report on a plan for a permanent census service, for instead of an extra cost of \$2,000,000, to which I guardedly limited myself, it is apparent that under the first comparison there was an extra cost of \$6,421,245, and under the second comparison of \$3,372,025. The magnitude of the census work, the lack of time for preparation, the temporary nature of the force, etc., may properly, and perhaps sufficiently, account for the extraordinary expense above the \$2,000,000 which I have attributed to the absence of civil-service rules.

The figures which I have given thoroughly justify the opinion Mr. Porter expressed to me several years ago, that it would have been much better had the Eleventh Census been taken in accordance with civil-service rules, an opinion he has now given to the public in an interesting article in the *North American Review* for the current month [December, 1897], in which he gives as one of the faults of the system under which censuses have been taken "the placing upon the shoulders of the superintendent, whose mind should be fully occupied with his experts in planning the work, the responsibility of the appointment of an office force of several thousand clerks.

Mr. Willcox said in part:

\* \* \* I am allowed to quote the following from a personal letter written to me in 1896 by Dr. John Shaw Billings, who was in charge of the division of vital statistics at the Eleventh Census:

"The whole of my work in the census has been done in the face of great obstacles, owing to repeated changes of clerks for political reasons, etc., and I am tired of struggling with the most unpropitious circumstances which have surrounded the work."

Examinations for the census force should be competitive and can best be conducted through the machinery already existing under the civil-service rules. The Commission has had long and matured experience in examinations for the great variety of qualifications needed in public employees, and it will be an easy and inexpensive matter to apply like tests, by way of open competition, to all persons who may seek to enter the census force. All considerations other than fitness should be excluded in the appointments, and in no other way than by genuine competitive examinations can this fitness be ascertained.

There are obvious advantages in establishing under the protection of the civil-service rules, and applicable to all the departments, a system of nonpartisan appointments. The system should be under the civil-service act to protect the officials themselves from importunity to overturn or evade it. It should be established under the protection of the Commission, in order that the same general system of rules may be applied to all civil employees, and, where the conditions are the same, made as nearly uniform as practicable. Congress created the Commission to prepare rules based upon special study of the conditions surrounding appointment and employment and to see that those rules are uniformly applied and enforced in all departments of the Government. The Commission is, in a measure, responsible for the enforcement of the nonpartisan system of appointments, and this responsibility should not be subdivided any more than is absolutely necessary among appointing officers. The Commission is the best judge of the methods to be pursued in testing the fitness of applicants.

With boards of examiners in 700 cities throughout the country, the commission is the only agency equipped to extend to all citizens alike, with the least expense, the opportunity of competition.

It is only through these agencies of the commission, at all of which examinations are conducted, that appointments may fairly be distributed among the States. It certainly is desirable that every part of the country should have an equal opportunity for appointment. If the examinations were held only at Washington it would exclude a large number of the best-qualified applicants, for the reason that they could ill afford the expense of a journey here. It would therefore fail to secure a due apportionment of appointments among the citizens of distant States.

The last census of the United States, as shown above, is an illustration of the unwisdom of attempting tests of fitness without leaving the conduct of those tests to an outside body.

Competitive examinations are especially useful in places for which technical qualifications are essential. Pass examinations may exclude the least worthy, but they do not afford a selection from among the most worthy.

### GOVERNMENT OWNERSHIP AND THE MERIT SYSTEM OF APPOINTMENT AND TENURE.

(From Railroad Transportation, by Prof. Arthur T. Hadley, of Yale University.)

The industrial results balance so closely that the question must be decided on political grounds. Government ownership of the telegraph would have one great advantage: It would emancipate us from the control of an organization which now has dangerous power, and whose methods have not been in all respects above suspicion. On the other hand, we should increase Government patronage, in itself a great evil; we should have a demoralizing item of expense in our budgets compared with which star routes or river and harbor improvements might sink into insignificance; we should run the risk of having facilities granted and capital invested, not because business needed them, but because they were demanded by doubtful States or influential members of Congress. We should place in the hands of our Government an agency which, especially in the present critical condition of our civil service, might readily be used to control political action. Some of the evils which have recently turned men's minds to the thought of a government telegraph would probably be increased rather than lessened by the change.

Government ownership of the telegraph prevailed in continental Europe, because each country was more or less of a bureaucracy; that is, the civil service governed the country, and was so well organized that it extended itself as a matter of course. In America the civil service is not so well organized, does not govern the country, and is not allowed to extend itself, as a matter of course. Political reasons decided the question in favor of a government telegraph in Europe. Political reasons form the main ground against a government telegraph in the United States.

\* \* \* \* \*

The conditions which favor state ownership and management of transportation agencies are thus stated by Adolph Wagner, of Berlin, the leader of the German professorial socialists: "(1) When the efficiency of the service requires uniform and wide extension over the whole country and international communications (post-office, telegraph; somewhat less so in the case of railroads). (2) When the service involves anything like a monopoly, legal or actual (railroads, telegraphs). (3) When it requires constant repetition of the same services, according to fixed schedules, in such numbers as to involve the existence of a large body of officials. (4) When the cost may be lessened by combining a variety of services at small stations (letter and parcels post, railroad stations, and telegraph offices). (5) When the service in private management can only be secured by subsidies on a large scale. (6) When it is necessary on grounds of public policy that the service should inure uniformly to *the benefit of the whole people.*" These principles, he concludes, enable us to speak



decisively in favor of State management in the case of letter post and telegraph; more reservedly in the case of parcels post and railways; in the matter of navigation they justify it only in exceptional cases.

On the other hand, W. Stanley Jevons, writing an impartial opinion, but as an Englishman, averse to great extension of government activity, states the conditions favorable to state management as follows: "(1) When numberless widespread operations can only be efficiently connected, united, and coordinated in a single, all-extensive government system. (2) When the operations possess an invariable routine-like character. (3) When they are performed under the public eye or for the service of individuals who will immediately detect or expose any failure or laxity. (4) When there is but little capital expenditure, so that each year's revenue and expense account shall represent with sufficient accuracy the real commercial conditions of the department." Of these principles the fourth is one of the highest practical importance, which must be considered in discussing any schemes of state management; and one which, under a government like that of the United States at present, must generally be decisive.

\* \* \* \* \*

Prussia is now the typical example of state railroad ownership. Of Prussian railroad employees, nearly 80,000 are regularly appointed members of the civil service, with special rights and duties as such. The railroads are made to subserve political and military purposes quite as much as commercial ones. To examine and pass judgment upon Prussian management or Prussian rates is virtually to pass judgment on state railroad ownership as a system.

\* \* \* \* \*

This brings us face to face with the question how far it is desirable that the Commission should have judicial or administrative powers at all. The general opinion seems to be that some such powers ought to be given. But there are important reasons on the other side. First, the really successful commissions in the United States have been established with the purpose of securing publicity rather than with the purpose of executing judgment. Now, strange as it may seem, the possession of active general powers is a hindrance in this respect. A railroad may be ready to give information to an outside party which it would not give to a judge, who might some time use that information against it. For the sake of enforcing the law in a few cases we might readily sacrifice the power of influencing public opinion rightly in a great many cases. Again, a commission with judicial powers is almost certain to magnify its own office. This danger made itself strongly felt in England, where the English commission constantly undertakes more than it can accomplish. The United States commission might decide a few cases, but its authority would be evaded in a hundred times as many more. The worst evil which could possibly befall us would be the attempt to apply a great deal of regulation somewhere by an agency which was not strong enough to enforce such regulation everywhere.

### CIVIL SERVICE AND MORALITY.

(From an address by Hon. John C. Rose, of Maryland, formerly United States district attorney, before the annual meeting of the National Civil Service Reform League at Baltimore in 1898.)

In the twenty-eight years from 1870 to the present time 58 persons in Federal employ have been indicted in the United States courts for this district. Of these, 28 were indicted in the thirteen years between 1870 and 1883; that is, before the passage of the Pendleton act, and the remaining 30 in the fifteen years since it became a law. The average number of Federal employees in this State during the second period must have been very much greater than during the first, so that, relatively, there has been a large decrease in the number of Government officers and employees against whom criminal proceedings have been instituted. In each period the proportion of convictions to indictments has been about the same.

Of the 30 who have been indicted since the civil-service act went into effect 6 were appointed as the result of successful competition, and 24 were not. Of these 6, 3



have been convicted, 2 acquitted, and the case against 1 is now pending. Since 1883 the number of persons appointed as a result of their success in the examinations has been at least 1,200, so that the number indicted has been not more than 1 in 200, and those convicted not more than 1 in 400 of the total number appointed.

The Railway Mail Service was classified in May, 1889. In the nine and a half years since, 1 of its employees in Maryland has been indicted, and he was acquitted. In the preceding nineteen years 4 were indicted, 3 of whom were convicted. In the fifteen years since the custom-house force here was classified there has not been a single indictment found against any of its employees. In the preceding thirteen years there were 2, both resulting in convictions. In the post-office at Baltimore there were, in the thirteen years preceding the adoption of the law, 8 indictments. Since the law has been in force the average number of employees has been nearly or quite doubled. The number of indictments during that period has been 14. Of these 14, however, 9 were appointed otherwise than as the result of competitive examinations, and only 5 were chosen by such examinations. Of these 5, 3 have been convicted, 1 acquitted, and 1 is now awaiting his trial.

The proportion of classified places to nonclassified was, in 1897, as 550 to 125. A similar proportion has been pretty steadily maintained since 1886; the extension of the classification within the post-office itself being offset by the increase in the number of clerks in charge of postal substations. Such clerks are usually druggists or other storekeepers, who receive a trifling salary, and are necessarily appointed without competition. \* \* \* The tenure of office of the last class of employees under the civil-service act was, however, short. \* \* \* Making proper allowance for the time during which they remained in the service, it is still true that, taking the whole period of fifteen years since 1883 into consideration, two-thirds of the entire force in the Baltimore post-office has, on the average, been composed of men appointed in accordance with the methods of the merit system. It follows that there have been nearly twice as many prosecutions among the third of the force otherwise appointed as there have been in the two-thirds of the force so appointed. There is one allowance, however, that should be made in this connection. It should be borne in mind that the temptations in some of the excepted or nonclassified places are much more insidious, if not greater, than is the case in most of the competitive places. The latter, as a rule, are clerks or carriers. Speaking generally, the only way in which people holding such positions have any special opportunity to steal either from the Government or the public is by rifling letters. There never can be any doubt in the mind of any man who takes and opens a letter as to the character of his act.

There is one large body of public servants as to whom the comparison can be made with what for practical purposes may be considered absolute precision. All letter carriers attached to the Baltimore post office appointed since July 1, 1883, have been chosen by competitive examination. Before that time none were so selected. On July 1, 1870, the Baltimore post-office had 35 carriers; on July 1, 1883, it had 105 carriers. The average for the thirteen years may be taken with reasonable security as 70. The number of regular carriers is now 308, so that the average number for the last fifteen and one-half years, during which the force has been classified, has been 206, or very nearly three times as many as during the preceding thirteen years.

Since 1870 eight carriers have been indicted, and all of them have been convicted or have pleaded guilty. Of these 8, 3 were appointed as a result of their standing in open competitive examinations, 5 were chosen for other reasons. The answer to a little problem, in what at school used to be called the double rule of three, shows that the prosecutions against carriers appointed under the spoils system were relatively more than five times as numerous as they have been against those appointed under the merit system. It is true, as the opponents of civil-service reform never weary of asserting, that moral worth can not be tested by mental or

physical examinations, but it is quite as true, however, that if a scoundrel when he takes a competitive examination is under no disadvantage by reason of his scoundrelism, he does not, on the other hand, find it of any advantage either. Can as much always be said when the competition is conducted in accordance with the accepted rules of the spoilsman?

## CIVIL SERVICE IN PERIODICAL LITERATURE.

### A BIBLIOGRAPHY TO AND INCLUDING 1898.

The following is believed to be a fairly complete index to the English and American periodical literature of the century in regard to civil service and civil-service reform. It claims no merit of originality, however, and is little more than a faithful compilation from Poole's and other available indexes.

The alphabet is of subjects or titles. Authors' names and names of periodicals are, however, arranged in even-margined columns, so as to be easy to run through, and the column of years on the right will give the approximate date of the article without need of reference to a "chronological conspectus."

In the titles or subjects, the fact that the entire index is to literature relating to civil service has been taken advantage of to omit, usually, such terms as "civil service," "civil service in the United States," when they added nothing to the information to be derived from the remainder of the title or subject taken in connection with the general character of the index. When inserted, these words are indicated by initials only. And such general titles as these have not been used in the alphabetical arrangement when it was possible to classify the article under a more specific title. Cross references and double entries, although not abundant, have been made wherever it was thought that they would add materially to the usefulness of the index. In the alphabet of titles a dash represents the first important word in the next preceding article; two dashes, the first two important words, etc., particles and unimportant words being neglected, and such terms as "civil service," "United States," etc., being regarded as a single word.

In the names of periodicals, although some abbreviation has been necessary, the endeavor has been to make the reference perfectly clear without need of consulting any "key." Words whose abbreviations might not be immediately recognized have been given in full. The letters M, R, J, Q, will be readily recognized as referring, respectively, to Magazine, Review, Journal, Quarterly.

The number in the column on the right usually refers to the year in which the article appeared, but where a volume of a publication covers more than one year this item refers to the year of the imprint of the volume in which the article appears, and in some cases, therefore, may be a year later than the date of the actual appearance of the article.

This index being, as before stated, a compilation from Poole's and other indexes, fails to contain references to periodicals not included in the scope of general indexes already published, the late date at which this work was undertaken precluding the possibility of going over that extensive field independently. Among such publications not herein indexed and rich in literature upon the subject of civil-service reform are—

*The Civil Service Chronicle*, published in Indianapolis, Ind., from March, 1889, to September, 1896.

*The Civil Service Reformer*, published in Baltimore, Md., from January, 1885, to May, 1892, 8 volumes.

*The Civil Service Record*, published by the Civil Service Reform Associations of Boston and Cambridge, Mass., from July, 1881, to May, 1892, 11 volumes.

In July, 1892, the publication of the *Civil Service Reformer* and *Civil Service Record* was resumed, the two being combined under the new title, *Good Government*, the new publication continuing the volume series of the *Civil Service Record* and

beginning its own series with Volume XII. *Good Government* is published by the National Civil Service Reform League, the address of whose secretary, Mr. George McAneny, is 54 William street, New York City. The league also publishes occasional pamphlets upon civil-service topics. It should be stated that while some articles published in *Good Government* are indexed herein, having been gleaned from Poole's Index, the indexing of that publication is by no means complete, it not having been possible at the present time to do this work independently.

*The Postal Record*, published in Washington, D. C., has much in regard to civil-service reform in the postal service.

*City and State*, published at 1305 Arch street, Philadelphia, Pa., is devoted especially to the cause of good government in Philadelphia and Pennsylvania, but also to civil-service reform in the country at large.

A list of Congressional documents bearing upon the civil service will be found in *Good Government*, Vol. 16, No. 4, p. 48.

Attention is also called to the proceedings of the National Civil Service Reform League, published annually by the league, in pamphlet form, in which will be found, together with other civil-service reform literature, the annual addresses of the presidents of the league, Mr. George William Curtis and Mr. Carl Schurz.

It will be observed that no article is presented in this index on the subject of reform in the consular service. An article appeared in the *Century Magazine* of February, 1899, on this subject, by Mr. George McAneny.

Senate Report 659, Fifty-fifth Congress, second session (896 pp.), contains a full statement of the present status of the administration of the civil-service act and rules.

Title or subject.	Author.	Periodical reference.	Year.
Act, Natl. C. S., True significance of....	Eaton, D. B .....	Unita'n R., 27: 237 .....	1887
Administrations, Review of two .....	Swift, L. B. ....	Forum, 14: 201 .....	1893
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Anti-Spoils League, C. S. in U. S. ....	.....	Good Govt., 13: 85; 14: 38 ...	1894
Appointing Power, C. S. in U. S. ....	Hoar, G. F. ....	No. Am. R., 133: 464 .....	1881
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—— Law, A radical defect in our .....	Veazey, D. ....	Forum, 23: 586 .....	1897
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	Farrar, T. H.	Fortntly. R., 23: 714.	1875
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— C. S. in India and its.	Griffin, L.	Fortntly. R., 23: 522.	1875
— C. S., Unwise extension of.	Butler, N. M.	London Q. R., 30: 153.	1868
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a Signed "C. A. N." In Poole's Index, attributed to Mr. G. McAneny.

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*a* Signed "C. A. N.," but ascribed to Mr. McAuleny in Poole's Index.



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## PART VIII.

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### COLONIAL GOVERNMENTS AND THEIR CIVIL SERVICES.

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## PART VIII.—COLONIAL GOVERNMENTS AND THEIR CIVIL SERVICES.\*

"We may reckon amongst the disadvantages arising to the dominant country from the possession of dependencies that it tends to generate or extend a system of official patronage in the dominant country, and thus to lower the standard of its political morality."—*Essay on GOVERNMENT OF DEPENDENCIES.* Sir G. C. Lewis.

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The purpose of the following discussion of colonial government is to show how problems similar to those which will confront this country in meeting the responsibilities thrust upon it by the Spanish-American war have been successfully solved. It would be strange if this country should not be able to deal with these colonial problems, for it was through the action of the founders of our Government that the enlightened method of dealing with colonies was introduced as a policy. Until then the old Roman method of treating colonies as dependencies, to be exploited for the exclusive benefit of the home government, had been in practice throughout the world. That this practice was a main cause leading to the revolution of the colonies is well shown by Trevelyan in his recent *History of the American Revolution*.

It is believed that the training received in this country is better adapted to teach men to grapple with new conditions than the training received in England and Holland. This is demonstrated by the successful management of large industrial and commercial enterprises; and to administer successfully the government of our new possessions the Government must compete with the management of private enterprises in securing and retaining the services of able men. It will be seen from a study of the facts hereinafter presented that England secures the services of such men by giving a tenure dependent on faithful and efficient service and not subject to political changes at home, by making the pay for such services commensurate with the importance of the positions and the dangers and inconveniences which they involve, and by encouraging promotion from the lower grades to even the highest positions in the gift of the Empire.

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In the relations which have existed between parent states and their colonies two opposite principles seem to have alternated or cooperated; or rather, from the one original principle of the paramount interest of the mother country, a second principle of the at least equal and sometimes transcending interest of the colony has developed.

Even in the early period of modern colonization the difference in the attitude of the Latin and the Teutonic nations toward their colonial offspring is observable. The Spanish conquests in the New World were primarily and essentially quests after

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\* In gathering data for this article it has been the endeavor of the writer to neglect no available source which might be of value. From a certain point of view—mere general information—material has been found abundant, almost limitless; from another—definite description of administrative details—it has not been so plentiful, and, indeed, in some respects it has been found quite deficient. It is scarcely possible to acknowledge all the sources from which information has been drawn, but as a rule material definite information has been credited to its proper source throughout the text, and quotations have been indicated.

gold, and the attitude of the Spaniards to the regions conquered, and to their inhabitants, was one of exploitation and spoliation, the little real colonization which occurred concomitantly being merely incidental. The right to rule the conquered territory was farmed out by favor for the enrichment of the subjects of the parent state. On the other hand, the different attitude of the more northern races is shown in Sir Walter Raleigh's scheme for the colonization of "Virginia," his idea being that the interests of the parent state would be best subserved if the new lands were themselves developed and cultivated and made to contribute to the welfare of the cultivators. On the one hand, the inflow of gold without other effort than that incident to gathering the spoils of a despised and practically defenseless population of a distant land discouraged industrial pursuits and led to apathy and decay. On the other hand, the expenditure of effort in the exploitation of nature directly rather than of her children has stimulated and developed capacities which might otherwise have lain dormant, and thus has aided in the elevation of the colonizing nation.

The Spaniard appears never to have changed his attitude, but even down to the present has looked upon his colonial possessions as the Romans did upon their conquered territories, places where, as proconsuls or in other administrative capacities, their young men might establish, and their old men reconquer, their fortunes. The English, however, whose present colonial policy exemplifies the opposite principle, can not be said to have always occupied their present high plane of action. England first ruled her colonies in the idea that they were entitled to existence only as contributing to her interest. "The King is the legislator of the colonies" was the peremptory dictum of the prerogative lawyers, while later Parliament claimed a share in the magnificent spoil. The result of it all in relation to our ancestors need not be stated. Before the close of the Revolutionary war Parliament passed an act solemnly renouncing the right to impose on colonies any duty, tax, or impost with the object of raising revenues for imperial purposes. This act has been called the Magna Charta of the colonies.

From these beginnings, not always by the voluntary action of the mother country, and, indeed, most frequently as the result of repeated agitation and petition on the part of colonists, the whole attitude of Great Britain toward her colonies has radically changed until it may be said that the administration of her colonial affairs is now primarily in the interest of the colonists, those interests being held to be paramount. From a condition which was almost universal not much above fifty years ago, when politicians regarded lucrative civil positions in the colonies as legitimate sources of revenue for themselves and their friends, when a minor position in the colonial or foreign office at home was frequently accepted with the distinct understanding that it was but a stepping stone to a responsible post in the colonial service, England has now arrived at a position where she clearly sees that her best interest is subserved by providing and maintaining the most thoroughly efficient colonial service directly in the interest of the colonists, and that to this end she must give her best energies and her best men. She has not been content to pay salaries which were not sufficient to command the services of honest men and which therefore were liable to be augmented by the fraud and oppression of dishonest ones, but she has insisted on having the best available materials for the agencies of her government, and having these she has compensated them appropriately. The result of this policy is that while it has not been many years since mutterings of discontent were to be heard in all quarters of the empire, and many statesmen, not merely abroad but in Great Britain itself, looked upon ultimate independence as the logical sequel to responsible government granted to colonies, it is to-day generally considered that the British Empire is stronger and more coherent than ever before, owing to the pronounced increase of loyalty in the colonies fostered by the liberal and just policy of the home government.

To show how the principle of selecting for the colonial service only those who have shown their superior qualification for that service—the application of a merit system of civil service appointments—has contributed its share in the accomplishment of this beneficent result is the object of this paper.

## GREAT BRITAIN AND HER COLONIES.

It may be appropriate first to sketch briefly the development of the official means of communication between the home government and the colonies, and of the administrative machinery used by the mother country in governing her dependent offspring.

Prior to 1801 the affairs of the colonies, so far as they concerned or were concerned in the home government, were in the hands of committees or boards appointed for that purpose. This system was inaugurated by Charles II, who, on July 4, 1660, delegated to a committee of his privy council the affairs of the then existing British dependencies in America. On December 1 of the same year the functions of this committee, somewhat enlarged and more definitely set forth, were, by letters patent, transferred to a "council of foreign plantations," which was independent of the privy council. In 1672 this body was combined with the "council of trade," and became known as the "council of trade and plantations;" but in 1675 its commission was revoked and its functions resumed by the privy council. In 1695 the "council of trade and plantations," as constituted in 1672, was revived, but its powers were limited; its duty was to collect information, to report to the King in council, and to give advice when required. The executive work was done by the secretary of state for the southern department. In 1768, however, there was created, in connection with this board, a third secretaryship of state "for the colonies." But this office, as well as the board, was abolished at the close of the Revolutionary war. Communications on colonial matters were then to be addressed to the privy council, and the executive business was transacted through the home office. In 1781 a committee of the privy council was again constituted "for trade and foreign plantations." This committee continued to discharge consultative duties with reference to the colonies until 1794, when the office of secretary of state for war was created, and the functions of the "board of trade and foreign plantations," so far as they related to the colonies, became gradually transferred to that officer, and he became, in 1801, finally designated as "secretary of state for war and the colonies." The old board of trade and foreign plantations has continued to exist, known simply as the board of trade, but has long since ceased to exercise any functions of authority with reference to the colonies.

Through the secretary of state for war and the colonies the royal prerogative with reference to colonial possessions continued to be exercised until 1854, when, owing to the mass of work incident to the Crimean war, an independent secretaryship of state "for war" was created, leaving the existing secretary of state in charge of colonial matters alone and in possession of the title of "secretary of state for the colonies." At this time may be said to have begun the development of the colonial office as it now exists.

### THE COLONIAL OFFICE.

At the head of the colonial office and of the administration of all colonial affairs (except those of India) is the principal secretary of state for the colonies, who is a member of the cabinet hardly second in importance to any except the premier. Under him is a Parliamentary under secretary, who, with him, resigns when a change of administration is made, and a permanent under secretary, and three assistant under secretaries, who remain through all administrations.

The permanent force of the colonial office is recruited by competitive examination in accordance with the rules governing entrance to the imperial civil service. The tenure of its members is dependent solely on merit. The force is divided into three main grades, upper and lower division clerks, and copyists.

Through this office the work of control and administration of the colonies is conducted. To facilitate this work the members of the colonial empire are divided into four geographical groups, the Eastern Department, the African and Mediterranean Department, the American and Australian Department, and the West Indian

Department, and the affairs of each group are dealt with by a regular division of the office, presided over by a "principal" clerk.

Some of the intermediate protectorates, as the Niger Protectorate, are controlled from the foreign office; such near-by territory as the Channel Islands, the Isle of Man, etc., are controlled from the home office; and "Ascension is carried like a ship on the books of the admiralty."

With these exceptions the entire colonial empire is controlled from the colonial office, and is by that office classified as follows:

1. Crown colonies, in which the Crown has the entire control of legislation, while the administration is carried on by officers under the control of the home government.

2. Colonies possessing representative institutions but not responsible government, in which the Crown has no more than a veto on legislation, but the home government retains the control of public officers.

3. Colonies possessing representative institutions and responsible government, in which the Crown has only a veto on legislation and the home government has no control over any officer except the governor.

To this classification we may add for our own purposes:

4. The governments by chartered companies, such as North Borneo and South Africa, which are in reality colonies.

5. Protectorates such as that administered by the governor or the Straits Settlements over the dependent States of the Malay Peninsula.

The government of India, while analogous to that of the Crown colonies, forms a department to itself, headed by the secretary of state for India.

To facilitate the transaction of business in connection with the colonial office the colonies having responsible government are represented by "agents-general," and the Crown colonies by "Crown agents," residing in London at the expense of the colony and standing to it in the relation of a *quasi* commercial and diplomatic representative. In fact the agents-general of the responsible-government colonies might almost be described as ambassadors from the colonies to the central government, while the governors of such colonies might almost as appropriately be looked upon as ambassadors from the central government to the colonies.

#### THE GENERAL COLONIAL SERVICE.

The officers engaged in the immediate administration in the colonies of those functions of government which belong to the colonial office form a practically closed service, entrance to which is accorded only on account of special qualifications, usually ascertained during previous service in the colonial office or some other branch of the home government, service in which has been in the nature of preparation for the duties of the colonial service. Men entering the colonial service in this manner have usually entered the imperial service through open competitive examination, and the process of selection in promotion thus procures the best available material for this service.

There are some exceptions to this general rule as to entrance into the colonial service, in which men not already in the imperial service are selected for special positions on account of approved ability. This is generally true of legal positions in the colonies, which are usually filled by appointment of members of the bar at home; and the exceptions are in the main confined to this branch of the service.

The salaries attached to many of the higher offices are sufficient to attract men of the greatest ability, and as good and faithful work is rewarded by promotion from grade to grade and from colony to colony until the highest positions may be reached, the colonial service is made to rank as an honorable and lucrative profession which attracts many of the very best men that England produces. The constant hope of promotion is an incentive to every officer to put forth his best efforts.

The subordinate positions in the local administration of the colonies are filled in accordance with similar considerations of merit in the service. In the self-governing colonies appointments are made in accordance with civil-service regulations made



by the colony, usually following very closely the pattern set by the civil-service regulations of the Imperial Government. In all other colonies appointments to subordinate positions are made by officials appointed by the colonial office, usually by the governor, but in most cases the method of selection for appointment is prescribed by civil-service regulations promulgated by order in council and providing for competitive examination as a condition to entrance to the service. In the comparatively few cases where such regulations do not exist and the power of appointment is unrestricted in the hands of the governor, the professional nature of his position and the necessity to produce the best results in order to secure his own advancement serve as checks upon any tendency which might exist on the part of the appointing officer to employ as subordinates any but the best men he could obtain for the purposes required.

The subordinate positions in the local administrations also furnish a means of entrance to the general colonial service, though to a less extent than the home service. Instances are recorded in which men appointed to subordinate positions in a colony have, by reason of their ability, been promoted to the higher grades and transferred to another colony, thus entering the general colonial service and becoming eligible for continued transfer and promotion according to ability. It will hence be seen that the incentive of promotion is made general in its application throughout the service.

#### PENSIONS AND GRATUITIES.

The principle of civil pensions obtains throughout the general service and is practically universal in the various local services also. It is recognized that the period of a man's usefulness seldom extends to the end of his life, and instead of retaining him in the service when, on account of age, his further retention is a detriment to the service, or turning him out of office unsupported when, by reason of having spent his life in the public service, he is possessed of little ability to compete with his fellows in other callings,—he is retired from the service upon a pension of not more than two-thirds of his highest pay. The details of pension regulations vary somewhat in different colonies, but the principle is the same in all, and for our present purposes they may be considered as uniform.\*

Another principle is also recognized, namely, that by devoting his energies exclusively to the public service for a number of years a man necessarily falls behind his otherwise possible ability to compete for a livelihood in the outside avocations of life, and if, without misconduct or fault of his, he is, for the good of the service, deprived of his office before he has served long enough to obtain right to a pension, he is indemnified for this disqualification by a "gratuity," which is usually equivalent to one month's pay for each year of his service.

#### GENERAL PRINCIPLES OF COLONIAL GOVERNMENT.

Briefly stated, the general principles recognized in the relation of the colonial governments to the home government are:

"The legislative subordination of the colonies to the Imperial Parliament; the Crown in Parliament can make laws which are binding on any part of the Queen's dominions; if a colonial legislature make any law which is repugnant to any act of Parliament intended to bind the colony, the act of the colonial legislature is, to the extent of such repugnancy, absolutely inoperative." This latter is made effective by the veto upon all colonial legislation, which can be exercised either by the Crown in council or by the Crown acting through its representative, the colonial governor.

The ability to legislate by order in council for all colonies until legislative powers have been granted them.

The prerogative of the Crown to receive appeals in all colonial causes.

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\* See page 543 of this report.

## THE COLONIAL GOVERNOR.

The Queen is represented in each colony by a governor, who is appointed by commission, and who is limited as to his powers by the letters patent which constitute his office and the instructions which inform him in detail of the manner in which his duties are to be fulfilled. The chief executive powers of a colonial governor are these:

He may pardon or respite criminals convicted in colonial courts, or even by a court-martial after consulting the officer in command; and he may remit fines and penalties due to the Crown.

He issues warrants for the expenditures of public money.

He convokes and prorogues legislative assemblies, ordering the issue of writs for the summons of those that are elected, and dissolves those that are liable to dissolution.

His assent is necessary to bills passed by colonial legislatures.

He initiates legislation in colonies which do not possess elected legislatures; in colonies which do possess such legislatures, especially in those which enjoy responsible government, a message from him is usually necessary to any proposal for the expenditure of public money.

In colonies which do not possess responsible government he appoints to vacant offices absolutely, or provisionally on the approval of the Crown according to the tenor of his letters patent or instructions, or the terms of local law, and can suspend or dismiss the holders of office subject to regulations. In colonies which do possess responsible government he can appoint or dismiss all public servants who hold at pleasure and can appoint to all public offices, but in this he acts with the advice of his council.

In self-governing colonies the powers of the governor are nominally wider than in the Crown colonies, where the duties of the governor are precisely set forth in his instructions; but within the range of his instructions the governor of a Crown colony acts with independence. He is given certain limited powers to use at his discretion. The governor of a self-governing colony is a constitutional king; his discretion must be that of his responsible advisers; he may endeavor to influence them, but he must not act contrary to their final decision unless he is prepared to appeal from them to the colonial parliament and ultimately to the colonial electorate. (*Jones, Law and Custom of the Constitution.*)

## CROWN COLONIES.

The Crown colonies proper include some in which laws may be made by the governor alone, while in others they are made by the governor with the concurrence of a nominated council. In a portion of the latter class, as for example in Ceylon and Mauritius, the authority of the council rests only on prerogative. In others, as for example the Straits Settlements, it is based on statute, though in most of these the power is reserved to make laws by order in council.

The intermediate class of colonies [the second group in the colonial office classification] are considered Crown colonies by the public, though not by the colonial office. In these the Crown can not, as a general rule, legislate by order in council, and laws are made by the governor with the concurrence of one or two legislative bodies, of which one at least is wholly or for the most part representative. The public, however, are substantially in the right in classing the intermediate group as Crown colonies, inasmuch as executive power is in fact in the hands of persons selected by the colonial office.

In some Crown colonies the primary object in the occupation is the maintenance of a fortress or a coaling station; in others the matter in view is plantation or foreign trade. In some the population is all white; in others the white population is considerable, but there is a large native black or colored population to whom representative institutions if limited by high franchise might be unfavorable; in others the population is almost wholly black. The West Indies present us with examples of colonies formerly possessing a large share of self-government, but a share virtually confined to the white race, in which the constitutions have been surrendered and the power of the Crown brought in for the protection of the blacks. In some of the colonies possessing representative but not responsible institutions the local parliaments are very strong, but represent only the white minority—the imported blacks or the natives being almost unheard—while in the others power is passing to the dark-skinned races.

Among the English-governed countries there are, then, two groups. To the one belong Canada, Australia, except its northern coast, New Zealand, Cape Colony, and Bechuanaland; to the other, India, a large part of the British African coast, the northern territory of Australia, as well as Ceylon, Mauritius, Labuan, and North

Borneo, British Guiana, British Honduras, the West India and other islands, and the territories under the control of the Niger Company and of the East African Company. The former group are the temperate colonies, where, even as near to the equator as Queensland, the English race can labor in the open air and where the native races consist mainly of peoples like the red Indian or the Australian aboriginal, of small numbers, who lived by the chase and made little or no use of the soil. In the other group, of which India is the great example, the English find themselves ruling nations and races that they cannot hope to replace. We may indeed try to change them in the islands or the small peninsulas; to substitute one black or yellow people for another, as the negroes have been substituted for the caribs in the West India Islands, and as Hindoos are being in turn substituted for negroes as laborers in some of these, or as the Chinese in parts of British Malaya have taken, as workers, the place of the Malays; but we can not do without the colored man nor conveniently till the soil. Most of these countries of dark-skinned labor which are under British rule are Crown colonies, except India, and that is similar, and most of the Crown colonies consist of countries of this description. (*Sir C. Dilke, Problems of Greater Britain.*)

As illustrative of the government in the Crown colonies proper, as classified by the colonial office, some account will be given of the government of the Straits Settlements, and in connection with that, on account of the close relationship existing between them, the protectorate exercised by the British Government through the governor of the Straits Settlements over the Federated Malay States will be considered, although really belonging to a class quite independent of that of Crown colonies.

Also, on account of its analogy to Crown colonies, the government of India will be considered under the same head.

As illustrative of the second class of Crown colonies, popularly so called but officially classified as colonies possessing representative but not responsible institutions, the government of the island of Jamaica will be reviewed.

#### THE STRAITS SETTLEMENTS.

The Crown colony known as the "Straits Settlements" consists of five "settlements," situated along the western course of the Malay peninsula, extending from its southern extremity as far as the entrance to the Straits of Malacca, and known individually as Singapore, Malacca, Penang, Province Wellesley, and Dindings.

The island of Singapore is about 14 miles wide and 27 miles long, with an area of about 206 square miles, and is situated at the southern extremity of the peninsula, from which it is separated by a narrow strait about three-quarters of a mile broad. The seat of government both of the island of Singapore and of the entire Straits Settlements colony is the town of Singapore at the southeastern point of the island.

The island of Penang contains about 107 square miles and is situated just off the west coast of the peninsula, at the northern extremity of the Straits of Malacca, and Province Wellesley consists of a strip of territory containing about 270 square miles, extending for 45 miles along the coast of the mainland opposite Penang.

Dindings consists of the island of Pangkor, off the coast of Perak, between Singapore and Penang, and about 80 miles from the latter, and a strip of the adjacent mainland, containing in all an area of about 265 square miles.

Malacca is a strip of land containing about 659 square miles, extending for about 42 miles along the coast between Singapore and Penang, 110 miles from the former and 210 miles from the latter.

The administration of the colony is in the hands of a governor, aided by an executive council, which is composed of the general officer commanding the troops, the colonial secretary, the resident councilors of Penang and Malacca, the attorney-general, the treasurer, the auditor-general, and the colonial engineer. There is also a legislative council, which consists of the executive council with the addition of seven nominated unofficial members. The latter are chiefly English merchants or professional men living at Singapore or Penang, and are, with the exception of two who represent, respectively, the chambers of commerce at Singapore and Penang,

nominated by the Crown. There is one Chinese member, but no representative of the Malays.

There are municipal bodies in each settlement, the members of which are partly elected by the ratepayers and partly appointed by the governor.

The garrison comprises one battalion of infantry at war strength, one company of garrison artillery on the highest establishment and district establishment Royal Artillery, one company of Asiatic artillery, half a company of fortress engineers, and a company of Malay submarine miners.

The colony also maintains an armed police force consisting of 32 officers and over 1,500 men, and a battery of volunteer artillery consisting of 100 officers and men. (Colonial Office List.)

Like Ceylon and Hongkong, the Straits Settlements have the advantage of a regular civil service. The main offices of government are at Singapore, but Penang and Malacca are each presided over by a resident councilor who is at the head of a considerable staff of civil officers. \* \* \*

The financial success of the Straits Settlements has been great and striking. It proves what solid results in colonization may follow a wise choice of position, a liberal commercial policy, and a system of government which enforces order within certain limits, without perpetually overstepping those limits, exciting the suspicions of native races, and overburdening the resources of a trading community. \* \* \*

The Straits Settlements hold in the British Empire a position halfway between those colonies which are directly valuable on account of their territory and resources and those which are valuable more indirectly as stepping-stones from one part of the world to another, as military stations, as ports of call, or as emporia of trade. Considered from the inside, Singapore and Penang have but small area and resources and the wealth of Malacca is slight, but the native States \* \* \* are completely under British influence and the outlet of their trade is so entirely through the ports of Singapore and Penang that it is impossible to leave them out of sight in taking a general view of the colony. As the Straits Settlements were originally an appendage of India, so the combination of a Crown colony with native principalities nominally independent but really under the protection and control of the English Government, reproduces on a small scale the system which is carried out in India. (Lucas, Historical Geography of the British Colonies.)

#### THE FEDERATED MALAY STATES PROTECTORATE.

Although belonging elsewhere by a strict classification, the protectorate exercised by the British Government over the Federated States of the Malay Peninsula will be here considered on account of its intimate relation to the colony of the Straits Settlements. In the following pages free use is made of the article entitled "The Federated Malay States—A Sketch of their Growth and Political Organization," by Francis B. Forbes, which appears among the papers accompanying the treaty of peace submitted to the Senate with the President's message of January 4, 1899, and published in Senate Document No. 62, Fifty-fifth Congress, third session. The following is, in the main, but a compilation from that article.

*The engagement of Pangkor.*—The more intimate connection of the Straits Settlements with the native States of the Malay peninsula dates from 1874. For some years prior to 1874 the anarchy prevailing in some of these States, especially in Perak, was a source of disquietude to the Straits Settlements community and a hindrance to the prosperity of British traders.

Sir Andrew Clarke, who arrived in Singapore late in 1873, as governor of the Straits Settlements, had been instructed by the Imperial Government to study the situation carefully and report as soon as possible. But he found affairs so critical that he decided to act at once, on his own responsibility. In referring to his action he says that "while the facts were more than enough to justify the interference of Great Britain, far too long delayed, it happened that at this very time influential Malay chiefs in Perak, Selangor and Sunjic Ujong sought the assistance of the governor of the Straits Settlements to put an end to a state of affairs which had got beyond their control, and in Perak the claimant to the supreme power asked that a British officer might be sent to aid him in the administration of the government of the country."

On January 20, 1874, the engagement of Pangkor between the chiefs of Perak and the British Government was signed. The most important of its provisions are summarized below:

All revenues are to be collected and all appointments made in the name of the Sultan.

The Sultan is to receive and provide a suitable residence for a British resident, "whose advice must be asked and acted upon on all questions other than those touching Malay religion and custom." An assistant resident is to be stationed at Larut, subordinate only to the resident. The cost of these residents and of their establishments, to be determined by the governor of the Straits Settlements, is to be a first charge on the revenue of Perak.

A civil list, regulating the income to be received by the Sultan and other chiefs and officers, is to be the next charge on the revenues.

The collection and control of all revenues and the general administration of the country are to be regulated under the advice of the resident.

As soon as order shall be restored in Perak, one or more British officers shall take immediate measures "for restoring, as far as practicable, the occupation of the mines and the possession of machinery, etc., as held previous to the commencement of these disturbances," and the decision of such officers is to be final as to payment for damages.

Says Sir Andrew Clarke, in reference to the principles upon which he acted in the negotiation of this agreement:

Personal influence has always great effect upon natives of the type of the Perak chiefs, and this influence I endeavored to apply. Where it was possible, I sought interviews with them and pointed out the effects of the evils from which the country was suffering. Their real interests were peace, trade, and the opening up of their country. In place of anarchy and irregular revenues, I held out the prospect of peace and plenty. I found them in cotton. I told them that, if they would trust me, I would clothe them in silk. Their rule had resulted in failure. I offered them advisers who would restore order from chaos without curtailing their sovereignty. They were willing to listen to reason, as the vast majority of persons, whether wearing silk hats or turbans, usually are.

In a dispatch to the secretary of state for the colonies about a month afterwards, Sir Andrew Clarke gave at length his ideas as to the necessity of residents in these native States, and of the character and scope of their functions. "The Malays," he says, "like every other rude Eastern nation, require to be treated much more like children, and to be taught, and this especially in all matters of improvement, whether in the question of good government and organization or of material improvement by opening means of communication, extending cultivation, and fostering immigration and trade. Such teaching can only be effected by an officer living on the spot, whose time should be devoted to carefully studying the wants and capabilities of each State, and to make himself personally acquainted with every portion of the country, and thus fitting himself for the post of counselor when the time for opening up the country arrives." Again, in the same dispatch, he says:

By the ninth clause the Sultan, the Bandahara, the Mantri, and other officers are to be provided for by a regular civil list to be hereafter arranged, and of course the Sultan will be advised to appropriate the balance of his revenue, whatever it may be, to public works and improvements.

This watching the collection of the revenue and controlling its expenditure will form no insignificant part of a resident's duties, and as far as bringing about a good system of government is concerned, will be about the most important portion of them.

The collection of the revenue, from whatever source derived and however legitimate, is carried on at present among these States with a perfect absence of all system and without any fixed rules or tariff, while it is at all times accompanied by individual instances of extortion or, as more familiarly known in the Chinese and Malay States, by "squeezing."

To check this and to induce the Sultan to select proper men for the collection will be the resident's special care.



On September 21, 1874, the course pursued by Sir Andrew Clarke was officially approved by Lord Carnarvon, the then secretary of state for the colonies, and this was announced on November 2, 1874, in a "Proclamation of the governor of the three settlements, Singapore, Penang, and Malacca, to the Malay rajahs, elders, and people, to make known to them the good wishes of the great Queen of England."

Governor Clarke impressed upon his council the important fact that the document signed at Pangkor was not a treaty, but an engagement voluntarily entered into by the chiefs among themselves; that the chiefs had practically come to the British authorities saying, "Give us people to open up our country; we are quite ready to take your advice and be guided by your influence." He thought that, even if the new policy might possibly entail some sacrifices at first on the Straits Settlements, the effect would be commensurate, and that, apart from their responsibilities as officials or as traders, or apart from their higher duties as Englishmen to their flag, their country, and their Queen, the success of the Malays themselves, wherever they had come under English influence and protection, was quite sufficient to justify the course he had adopted, or even a stronger and more determined one. "This," he said, "is a great and imperial question to think out and consider. I do not ask you now to come to any final decision upon it, or to decide without thought and in haste; but, standing as we do here on the grave of ancient empires, let it be not our mission, gentlemen, to gather together their scattered fragments and form them into the cradle of a new and fair dominion, federated in justice and morality, and which will exceed in usefulness to mankind and in honor to our nation and faithful that has preceded it on these shores."

Such was the policy by which the British Government was guided in assuming a protectorate over the Malay States. If it was inspired by high considerations of humanity and morality, it was none the less statesmanlike and practical. And it may fairly be said that it has been unswervingly pursued by the residents and other British officers during nearly a quarter of a century of successful administration.

*Early troubles.*—At the start Governor Clarke made only five British appointments, a resident for each of the three States, with an assistant resident in Perak and one in Selangor. All of these gentlemen, whether as military officers, barristers, or members of the Straits Settlements civil service, had learned to speak the Malay language, were acquainted with the country, and had experience in dealing with the people.

To give an idea of the qualifications which the governor sought in his officers, quotation is made from his report of their appointment to the colonial office. Speaking of Mr. Birch, who was to be resident at Perak, the governor had not selected him until—

By the success which had attended one or more missions, with which he had been lately intrusted, he had given evidence of his ability, and, still more, of his tact and judgment in dealing with natives. His experience, long and varied, as a settlement officer in Ceylon, as well as his intimate acquaintance with oriental life, customs, and habits, point out Mr. Birch as in every way eminently qualified for undertaking the task of initiating all the practical measures essential for the future administration of a semicivilized country.

Mr. Birch further possesses in a remarkable degree untiring physical energy and endurance—powers of infinite value to one whose duties will necessarily entail upon him constant exposure to climate and weather in a country which, the navigable rivers having once been left, affords as communication but ill-defined paths through swamps and through the thickest of tropical jungle, and as shelter from the sun and rain often no other protection than that given by a kanjang, or native mat.

These few men, inspired by a high ideal of duty to their own country, set to work to bring back settlers by restoring confidence, with such success that in the mining district of Larut, where the population had dwindled to 4,000, the steady influx of immigration during eleven months brought the number up to 33,000, of whom 26,000 were Chinese. The British officers tried to infuse some order into the collection of the revenue, and, by starting roadmaking and other public works, to turn state expenditure into profitable channels.

The Sultans, however, seemed indifferent or helped themselves as before to the taxes as collected, in defiance of the engagement of Pangkor, while the chiefs sulked, as their promised "allowances" could not be regularly paid until the collection of revenue was better organized. The Residents established courts, either following the Indian code or seeing that substantial justice was administered in a rough-and-ready fashion according to Malay law and custom, and took in hand the appointment of native headmen responsible for order in the villages and rural districts. Native police forces were organized and proper police stations built as fast as possible.

*The residents at work.*—During the disturbed period of transition from the old to the new order of things the future government of the protected States had continued to be the subject of anxious thought and correspondence both by the imperial authorities and those in the Straits Settlements. Governor Jervois, who had succeeded Governor Clarke, suggested on more than one occasion that direct annexation might yet prove to be the simplest solution of the difficulty, but Lord Carnarvon continued to have faith in Sir Andrew Clarke's policy of a protectorate, which he insisted should at any rate be given a longer and fairer trial than had yet been possible.

Writing in this sense on June 3, 1876, he recommended the governor to establish in each State a mixed council for the Sultan, as this would give a chance to some of the principal chiefs to take a useful part in the administration of the country. It would, moreover, give the resident and other officers on the council opportunity to gauge the strength of native feeling on questions of proposed reform, and such knowledge would tend to an exercise of greater discrimination in the nature of the advice given by the resident.

Whatever [Lord Carnarvon adds] may be the ultimate policy which it may be necessary to adopt in the Malay Peninsula, it is clearly our object to make the best use of existing materials, and with this view it should be our present policy to find and train up some chief or chiefs of sufficient capacity and enlightenment to appreciate the advantages of a civilized government, and to render some effectual assistance in the government of the country.

In the same dispatch he repeats that he "thinks it undesirable that the British officers should interfere more frequently or to a greater extent than is necessary in the minor details of government."

In the spirit of Lord Carnarvon's policy of making the best use of existing materials, local government in the villages and rural districts was left to the native headmen. The country was divided into districts over each of which is a *datu*, or native headman, who reports at stated intervals to the ruler of the state, and over each village in a district is a *pungulu*, or village headman, responsible and reporting periodically to the *datu*. If a *datu* or *pungulu* is guilty of any misdemeanor, such as "squeezing" the people or collecting illegal taxes, he is liable to be deprived of his office. The police are stationed in positions whence they can readily be made available for support of the *datu*s and *pungulu*s and when necessary for the maintenance of law and order in the district. The police consist of Malays, but they are not employed in the states of which they are natives.

A treasurer at the headquarters of each State collected the principal taxes, while districts were under collectors, who often acted as magistrates. All public expenditure was defrayed by the treasurer, and local current expenses were settled by the collectors, under sanctioned estimates. Where the revenues of any particular district were insufficient to meet the local expenditure, the necessary funds were supplied by the treasurer, in whose hands all accounts were centered. An officer appointed by the governor visited the various treasuries and offices throughout the States once a year, to audit the public accounts, to report thereon, and to inform the governor as to the general condition of affairs.

Such were the essential features of the original revenue system of the protected States. There were early differences of detail in the three States, and modifications of practice have necessarily resulted from the experience gained as population and

revenue grew together. But the principle of retaining the sole control both of taxation and expenditure in the hands of the residents has remained unchanged to this day.

The residents have not confined their efforts to the mere problem of governing, but have concerned themselves with all matters bearing upon the development and improvement both of the country and its population; they have fostered the diversification of industries, instead of the sole dependence upon the mining of tin as theretofore; they have encouraged the cutting away of forest and jungle and the extension of agriculture, and in this they have laid under contribution the services of the government botanists in Singapore and elsewhere in discovering those crops which were best adapted to the soil; in this connection they have also influenced the construction continually of irrigation works throughout the country; they have secured the establishment of a forestry department; they have influenced the opening up of the country by the cutting of numerous roads and the building of railroads.

The question of native education has always been before the residents, and both vernacular and English schools were established at an early date. It was felt that the future success of the new régime depended upon a more intelligent appreciation of its advantages than was possible so long as the Malays continued to be proud of their childlike ignorance. Specially was education looked forward to as the only means of raising the character and status of the native headmen and of creating a larger class of Malays capable of taking part in local government.

There are, however, in many of the reports expressions of discouragement and regret at the meager results which seemed to have been obtained. Notwithstanding this, the system was continued in a spirit of perseverance that was most creditable, and the education officer of the new federation must find the ground well prepared for his work. In the latest report available (1896) from Perak the resident writes:

His Highness the Sultan takes much interest in Malay education, and on my return to Perak, after an absence of some years, he drew my attention to the advance that had been made, and pointed out how easily the Malays can be led in such matters by those who understand their character. At first the common Malays were opposed to education, as they were to vaccination; now they have faith in both, and this result has been obtained by patience on the part of the governing authorities, and not by the enforcement of compulsory legislation.

The staff of Europeans for all the administrative work which has been sketched has never been large, and while it has naturally been increased with the growth of population and the multiplication of duties, the residents appear to have been almost always short-handed. If so few Englishmen have been able to accomplish so much, it has been because they have been well selected at first, in respect of their aptitudes, their character, and their physique; because they have been required to deal justly and sympathetically with the natives, and because, remaining for years in the service, they have had time not merely to acquire experience of their own but to win respect, perhaps affection, from the Malays.

*Slavery.*—Did not the space to which this article has already extended forbid, it would be most pleasant to sketch also the policy by which persistent and humane discouragement of the practice, with little or no arbitrary assumption of authority, has served to eradicate entirely a generally recognized institution of slavery which was often attended with features which, even in comparison with our ideas upon the subject, may be termed heartrending and repulsive.

*Federation.*—As time rolled on the population of the protected States had rapidly increased, while their prosperity had advanced with comparative steadiness under the peaceful conditions of the new system. Moreover, the old tribal enmities had died out, partly from the impossibility of the sultan of one State invading another without instant punishment, and greatly through the new intercourse between the peoples which improved communication had made easy.

On the other hand, while the principles of good government had been ingrafted on the natives, both chiefs and people, the British administrators necessarily found the details more complicated with the growth of the States.

Finally, in July, 1895, a treaty, which took practical effect on July 1, 1896, was concluded between the States of Perak, Selangor, Negri Sembilan, and Pahang, and the governor of the Straits Settlements on behalf of the British Government, by which these States agreed to—

(a) Federation for administration purposes, with an undertaking to render mutual assistance.

(b) The appointment of a resident-general, as the agent and representative of the British Government, under the governor of the Straits Settlements.

(c) The organization of a force of Indian soldiers for service in any part of the Malay Peninsula, or, if required, in the colony of the Straits Settlements.

The first main object of the federation was to give the governor an adviser—in the words of the first report of Sir Frank Swettenham, now resident-general—"an adviser who should be in touch with the rulers and residents of all the federated States; an adviser who, knowing the officials, the people, and the work that was everywhere proposed or going on, would speak in sympathy with the interests and aspirations of the Malay States and those engaged in developing them, whether as officials, planters, miners, or traders." The other main object was to secure continuity and uniformity of administration in all cases where the conditions were identical: assimilation of detail in the management of State railways, cooperation of all the States in the cost of assisting Indian immigration, management of savings banks on identical lines, identical terms in all the States for the survey, acquisition, and holding of lands, for cutting Government timber, and gathering jungle produce; similar constitution of sanitary boards, similar taxes for vehicles, general similarity of powers and their application, harbor regulations, boat and fishing licenses, etc.

*High commissioner.*—At the head of this federal organization is the governor for the time being of the Straits Settlements, who is high commissioner and the direct representative of the Queen-Empress.

To him, as such, the resident-general reports, and the sultans or chiefs of the States may consult with or appeal to him as occasion may arise.

*Federal council.*—The federal council, meeting in different States by rotation, is presided over by the high commissioner, or, in his absence, by the resident-general, or, failing him, by the sultan in whose state the council is assembled. The federal council is composed of the councils of the four federated States.

*Resident-General—Residents—State councils.*—The resident-general resides in Selangor, and is to have a house and office wherever else it may be found necessary; but it is his duty to travel as much as possible in all the States, keeping himself in touch with the native rulers, the residents, and all matters of administration. While traveling or residing in any State he can communicate directly with anyone on any subject, but he is to issue no instructions save through the resident. Similarly, if addressed on any subject by any native or European, official or unofficial, he will only reply through the resident, after consultation with him. He is, however, to use his discretion in cases of urgency, but must then inform the resident at the earliest possible moment.

Each resident carries on the work of his State as was done before federation, except that the resident-general has full power to issue instructions to him. If there is a difference of opinion, the resident may appeal through the resident-general to the high commissioner, but pending the result of the appeal must act on his instructions.

The various State councils meet and conduct their business as formerly. They are legislative and advisory bodies and have no control over public expenditure, but they may, as formerly, decide on the selection, remuneration, removal, and retirement of native officers, subject always to the sanction of the resident-general and high commissioner. The government of each State follows as nearly as possible the model of a Crown colony.

Each resident furnishes the resident-general for transmission to the high commissioner drafts of the legislative measures proposed to be laid before the State

council in sufficient time to allow of their consideration by the high commissioner before the meeting, and no legislative enactment can be published or acted upon until the high commissioner's sanction has been given to it.

Annual reports are prepared by the residents for the resident-general, in duplicate, before April 15. They are drawn on something like one model furnished by the resident-general, who forwards them to the high commissioner, with a concise report of his own upon the progress of all the States.

*Civil service.*—All the officers serving the government of the native States form one service and are eligible for promotion from one State to another, their service counting as continuous; but each State is liable for pension in proportion to the period passed by an officer in its service.

There is one pension order for all the native States and a widow-and-orphan fund, contribution to which is compulsory on all those who join the service.

Within certain limits of salary, appointments and promotions are dealt with by the residents, but the approval of the resident-general is required in case of posts carrying somewhat higher salaries. All other cases must be referred, through the resident-general, to the high commissioner.

No dismissal of an officer on the fixed establishment whose salary exceeds \$300 can be made without reference to the resident-general, and if the salary exceeds \$600, without the sanction of the high commissioner.

In the case of officers on the provisional and temporary establishment, or paid out of open votes, reference to the resident-general is only necessary if the salary exceeds \$1,200 per annum. But in all cases of dismissal it is absolutely necessary that the officer concerned shall be first called upon to give a written reply to the charges lodged against him, which must also be in writing.

Vacation leave may be given by the residents up to six weeks only. Beyond that, up to three months, the resident-general may grant leave of absence, either vacation, or on half pay, or without salary. Applicants for more than three months' leave must be referred to the high commissioner, as also all leave for even a shorter period, should the officer be proceeding to Europe and desire to draw salary from the Crown agents.

In place of the "junior officers" who were appointed without being called upon to pass a competitive examination, cadetships were established with federation, open to natural-born British subjects, who are selected by competitive examination, held by the civil-service commissioners simultaneously with the examinations for the civil service of India. The initial salary of cadets is somewhat higher than that of the former junior officers.

*Conclusion.*—It is time to sum up the results which have been obtained during twenty-four years from the simple but statesmanlike conception of a protectorate which Sir Andrew Clarke first evolved in the engagement of Pangkor—an administrative experiment which stood alone at the time and had no parallel in British control over alien races elsewhere.

All piracy and land fighting, whether by Chinese or Malays, have been absolutely stamped out. Taxation has been made very light, and yet very productive. Slavery has been suppressed. Roads and railways have been constructed in pathless forests and jungle. Prisons and hospitals have been built and maintained. Above all, the chiefs have been reconciled to the new life, and the equality of all races and classes before the law is everywhere recognized. All this has been done, as Sir Andrew Clarke says, "by the residents laying down and insisting on the constant recognition of the principle that the interests of the people they were sent to govern should be the first consideration of Government officers. By learning their languages, their prejudices, their character, and by showing them that consideration which alone can secure sympathy and a good understanding between government and people, their respect and, to some extent, their affection has been won.

In all this, as has been seen, there has been very little direct interference by the Imperial Government. It is true that in the earlier years the secretary of state for



the colonies felt obliged to draw back a governor or residents within the main lines of the policy which Great Britain had deliberately adopted, and which she was determined to see carried out. But this policy has now taken root and developed into a well-understood and working constitution, which might by chance be wrongly interpreted at times, but which it is hardly conceivable that any British officer would attempt to override.

On the other hand, no native has an object in plotting for a change. Each sultan sees his own flag flying in his kingdom, and every law or decree promulgated and enforced in his name. He lives in greater state and receives more honor than ever before. His civil list is assured to him, and the public revenues, many times greater than could have been exacted by the foulest oppression of the old régime, are now largely spent in permanent improvements, which add an "unearned increment" to the value of his private estates. The same is true of the chiefs in their degree, and as long as the people are contented under a just and beneficent administration, none can ever find means to organize a revolt, for the residents have absolute control both of the sword and of the purse. Indeed, for some years past there has been no imperial interference at all, nor is any probable under normal circumstances. If the power is ever exercised it will perhaps be in the direction of restraining the federation from unduly pledging its credit by foreign loans. But this contingency is still remote.

"Those who have done me the honor of reading thus far," says Mr. Forbes, "will, I am sure, have been impressed like myself by a striking fact in connection with this protectorate. I allude to the marvelous elasticity of the original organization, which has not only created a prosperous nation out of warring tribes of Malays, but, with no sharp shock to native customs or feelings, has been strong enough to exercise such acts of dominion as the deposition of a sultan, the settlement of his succession, and a general manumission of slaves.

"I may fitly conclude by quoting a few eloquent words from Sir Andrew Clarke's address before the Royal Institution:

"Not by wars involving the slaughter of native races, not by drafts upon the imperial exchequer, not by the agency of chartered companies, which necessarily seek first their own interests, has the development of the Malay States been attained. Their present peace and marvelous advance in prosperity have been due to a sympathetic administration, which has dealt tenderly with native prejudices and sought to lead upward a free people instead of forcibly driving a subject race."

Some apology is due for having devoted so much space to the consideration of the Malay protectorate, but this apology is found in the similarity of race and other conditions there existing to those with which we have to deal in the Philippines. In discussing this Philippine problem of ours, Sir Andrew Clarke says: "I take it for granted that party patronage will not enter into the personnel of the staff selected for service in the protectorate."

### BRITISH INDIA.

Soon after the mutiny in 1857, the government of the East India Company, which (subject to the Crown and Parliament) had obtained in India ever since the beginning of the English occupation of that territory, was superseded by the direct government by the Crown of England, and the title of Empress of India was shortly after assumed by Her Majesty, Queen Victoria. India became virtually a Crown colony, the chief distinction being this, that it is ruled by the Queen, as Empress of India, not through the secretary of state for the colonies, as other Crown colonies are, but through an independent secretary appointed for that duty alone—the secretary of state for India—assisted by the council of India.

The members of this council number not less than ten, nor more than fifteen, and they are appointed directly and independently by the secretary of state for India. At least nine of them must have served or resided in British India for at least ten years, and that residence must not have terminated more than ten years prior to the

date of their appointment. They hold office for ten years, unless sooner removed for misbehavior, or in consequence of an address by both houses of Parliament. Subject to the above conditions, as many as three members may be appointed in life, or a member may be continued for five years at the expiration of his ten year service, but in either of these cases the reasons for the exceptional action must be laid before Parliament, in which no member of the council is permitted to sit.

The council meets weekly, five members constituting a quorum, and considers (though it has no power of initiative) all orders and communications which are to be sent to India. Its concurrence, by a majority vote of all the members present at any meeting, is necessary to any appropriation of the revenues of India. In case of disagreement of a majority of the council with the secretary of state, he may overrule his council and act independently, unless the action is one in which the concurrence of the council is expressly required. In such case, the reasons for his dissent and independent action must be recorded.

The local government consists of a Governor-General, popularly known as the "Viceroy of India," assisted by an executive council, consisting of five ordinary members and, if thought advisable by the Crown, a public-works member, three of whom must at the time of their appointment have been in the service of the Crown in India for ten years, but a military man so appointed can not remain in the military service while a councillor. They are appointed by the Crown. The Governor-General, like the secretary of state, has power to overrule his council, though he is strictly subordinate to the secretary of state. He has a limited right to make war and peace and to constitute new provinces, appointing lieutenant-governors and defining their authority. Lieutenant-governors and governors become extraordinary members of the council when it meets within their provinces. The ordinary members of the council preside over the departments of finance and commerce, home revenue, and agriculture, military administration, legislation, and public works. The Viceroy usually keeps the foreign department in his own hands.

All legislation must originate in the executive council, but the Governor-General may veto the introduction of any measures affecting the public debt or charging the revenues of India; affecting religion or the rights and usages of Her Majesty's subjects in India; affecting the discipline of naval or military forces, or the relations with foreign princes or States. For the purpose of enacting legislation, however, the council is increased by not less than ten nor more than sixteen persons, who are nominated for that purpose by the Governor-General, and who serve in that capacity for two years. Four of the members so nominated are previously recommended by the nonofficial members of the four provincial legislative councils, and a fifth is recommended by the Calcutta Chamber of Commerce, and at least half the "additional members" of the Governor-General's council must be persons not in the civil or military service of the Crown in India. The proceedings of the legislative council are public.

The governors of Madras and Bombay are appointed by the Crown, and have each a legislature and executive council and a civil service of their own. The lieutenant-governors of Bengal and of the Northwest Provinces (with Oudh) are appointed by the Governor-General by promotion from the Indian civil service, and hold office for five years. They have each a legislative council only. The other administrators of provinces have no councils and no legislative powers. Although the Viceroy is supreme, the local governments of the various provinces enjoy a large measure of administrative independence. Each province is broken up into divisions under commissioners, and then divided into districts, which form the unit of administration. At the head of each district is an executive officer (collector or magistrate or deputy commissioner), who has entire control of the district and who is responsible to the governor of the province. Subordinate to the magistrate, in most districts, there are a joint magistrate, an assistant magistrate, and one or more deputy collectors and other officials. In some cases the magistrate collector is also judge, while in others the two functions are separate. There are about 246 such districts in British India.

India is administratively divided into British territory and native or feudatory States; the former is under the direct control, in all respects, of British officials. The control that the supreme Government exercises over the native States varies in degree; but they are all governed by the native princes, ministers, or councils, with the help and under the advice of the resident or agent in political charge either of a single State or a group of States. The chiefs have no right to make war or peace, or to send ambassadors to each other or to external States; they are not permitted to maintain a military force above a certain specified limit; no European is allowed to reside at any of their courts without special sanction; and the supreme Government can exercise the right of dethronement in case of misgovernment. Within these limits the more important chiefs possess sovereign authority within their own territories; some of them are required to pay an annual tribute; with others this is nominal, or not demanded.

Of these dependent states there are about eight hundred, varying almost infinitely in size, population, and importance, covering about 600,000 square miles of territory, and having an aggregate population of between sixty-five and seventy millions. The control exercised over these dependencies is very similar to that exercised over the federated Malay States in connection with the Straits Settlements, which has already been described. (The more logical statement would, of course, be to transpose the members of the comparison, since the Indian protectorates existed first.)

The magnitude of the duties to be performed by the civil servants of the Indian government in proportion to their numbers is strikingly indicated by the statement of Strachey in his treatise on India, that "roughly speaking, less than one thousand Englishmen, including military officers and others, are employed in the civil government of 221,000,000 of people, and in the partial control of 67,000,000 more."

The civil service of the Indian government as at present constituted is divided into two branches: First, an imperial service, called the civil service of India, recruited by open competition in England through examinations periodically held by the imperial civil-service commissioners; second, a provincial service, recruited in each of the chief provinces, under conditions suitable to local circumstances and consisting almost entirely of natives of the provinces. These two branches take the place, substantially, of what used to be known as the "covenanted" and the "uncovenanted" service.

Under the charter act of 1793 rank and promotion in the East India Company's civil service were strictly regulated by seniority, and all offices in the "civil line" of the company's service in India under the degree of councillor were strictly reserved to the civil servants of the presidency in which the office was held, the principal offices being reserved to members of the "covenanted" civil service. Appointments to this service were made in England by the court of directors.

The government of India act, 1853 (16 and 17 Vict., c. 95), threw these appointments open to competition among natural-born subjects of Her Majesty, and this system was maintained by the act of 1858, which transferred the government of India to the Crown. The first regulations for the competitive examinations were framed by Lord Macaulay's committee in 1854, and have since been modified from time to time. Under the existing rules the limits of age for candidates are from 21 to 23. Successful candidates remain on probation for one year and then have to pass an examination in subjects specially connected with their future duties. If they pass they receive their appointments from the secretary of state. Probationers are encouraged by a special allowance of £100 to pass their probationary year at a university or college approved by the secretary of state.

The Indian civil-service act, 1861 (24 and 25 Vict., c. 54), whilst validating certain irregular appointments which had been made in the past, [abolished the rule of promotion by seniority, but still] expressly reserved in the future to members of the covenanted service all the more important civil posts under the rank of member of council in the regulation provinces. The schedule of reserved posts, which is still in

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\* So called from the "covenants" into which the superior servants of the East India Company were required to enter, and by which they were bound not to trade, not to receive presents, to subscribe for pensions, etc. Members of the civil service of India are still required to enter into similar covenants before receiving appointments.

force, does not apply to nonregulation provinces, such as Punjab, Oudh, the Central Provinces, and Burma, where the higher civil posts may be, and in practice often are, filled by military officers belonging to the staff corps and others. (*Libert*, "Government of India.")

The authorities in India by whom appointments are made to offices in the civil service of India may appoint any native of India of proved merit and ability to any such office, although he has not been admitted to that service in accordance with the foregoing provisions of this digest.

Every such appointment must be made subject to such rules as may be prescribed by the governor-general in council, and sanctioned by the secretary of state in council, with the concurrence of a majority of votes at a meeting of the council of India.

For the purposes of this section the expression "native of India" includes any person born and domiciled in British India, of parents habitually resident in British India, and not established there for temporary purposes only; and the governor-general in council may, by resolution, define and limit the qualification of natives of India thus expressed; but every resolution made by him for that purpose will be subject to the sanction of the secretary of state in council, and will not have force until it has been laid for thirty days before both houses of Parliament. (*Libert*.)

The power to appoint outsiders (other than natives of India, as provided in the paragraphs last quoted) to these reserved posts is conceded by the act of 1861 under exceptional circumstances, but this power can be exercised only where it appears to the authority making the appointment that, under the circumstances of the case, it ought to be made without regard to statutory conditions. In such case, the person appointed must have resided for at least seven years in India. If the post is in the revenue or judicial departments, the person appointed must pass the same examinations and tests as are required in the case of the covenanted civil service. Such an appointment is provisional only, and must be forthwith reported to the secretary of state in council, with the special reasons for making it, and unless approved within twelve months by the secretary of state, supported by a majority of the council of India, it becomes void.

No native of British India, nor any natural-born subject of Her Majesty resident therein, is, by reason only of his religion, place of birth, descent, or color, or any of them, disabled from holding any place, office, or employment under Her Majesty in India.

An act of 1870 (33 Vict., c. 3), after reciting that "it is expedient that additional facilities should be given for the employment of natives of India, of approved merit and ability, in the civil service of Her Majesty in India," authorized the appointment of any native of India to any office, place, or employment in the civil service in India, without reference to any statutory restrictions, but subject to rules to be made by the governor-general in council, with the sanction of the secretary of state in council.

Little was done under this act until rules for regulating appointments under it were made during Lord Lytton's government, in 1879. The intention was that about a sixth of the posts reserved by law to the covenanted civil service should be filled by natives of India appointed under these rules; and for the purpose of giving gradual effect to this scheme the number of appointments made in England was in 1880 reduced by one-sixth. The persons appointed under the rules were often described as "statutory civilians," and about sixty natives of India had been so appointed when the system was changed in 1889. The rules did not work satisfactorily, and in 1886 a commission, under the presidency of Sir Charles Aitchison, was appointed by the government of India with instructions "to devise a scheme which might reasonably be hoped to possess the necessary elements of finality, and to do full justice to the claims of natives of India to higher employment in the public service." (*Libert*.)

The result of this commission's work was the establishment of the so-called "provincial civil service," as above described. The rules governing the appointment of natives in this service are given below:

In exercise of the power conferred by the Thirty-third Victoria, chapter 3, section 6, the following rules have been proscribed by the governor-general in council, and such rules have been sanctioned by the secretary of state for India in council, with the concurrence of a majority of members present:

I. Any native of India, as defined in the said statute, may, if of proved merit and ability, be appointed to any office, place, or employment in the civil service of Her Majesty in India, to which appointments may be made by the authorities in India.

II. Such appointment, if to an office, place, or employment to which appointments

may be made by a local government, shall be made only with the previous sanction of the governor-general in council.

III. Every such appointment, whether made by a local government or by the Governor-General of India in council, shall be forthwith reported to the secretary of state for India in council, and shall be made subject to disallowance by the said secretary of state in council (provided that such disallowance shall be signified to the governor-general in council within twelve months from the date of the receipt of such report).

IV. Every such appointment shall, in the first instance, be provisional only.

(a) Every person obtaining such a provisional appointment shall, within two years from the date on which he takes it up, pass the departmental examinations prescribed by the rules of services, unless he be specially exempted by the governor-general in council from being so examined.

(b) On the expiration of the said term of two years the governor-general in council may, upon the report of the local government, or on such inquiry as he thinks fit to make as to the character and qualifications of the person appointed, either confirm such appointment or cancel the same.

(c) Nothing herein contained shall be deemed to preclude the cancelment of any such appointment before the expiration of the said two years, if, in the opinion of the governor-general in council, it is established that the person provisionally appointed has been guilty of misconduct, or has failed to discharge efficiently the duties of his office.

V. Every person so appointed shall be subject to such conditions as to leave and pension as the governor-general in council, with the sanction of the secretary of state for India in council, may from time to time prescribe.

On pages 337 and 338 of the Commission's Eleventh Report will be found additional information as to the office hours, regulations governing leave of absence, pensions, gratuities, and salaries, in the civil service of India.

In his book on Civil Service in Great Britain, Mr. Dorman B. Eaton, after reciting the history of the introduction of the merit system of appointment of civil servants in India, and of the various investigations made into its operation, quotes the following opinion expressed by Lord Salisbury in transmitting instructions to the Viceroy of India and his council:

With respect to the principle of competition itself, the evidence you have collected sufficiently shows that it can not be disturbed without injury to the public service. The expressions of opinion which I have received from competent judges in England led me to the same conclusion. Of its success, as a mode of selecting persons fit to serve in the Indian civil service, there seems to be no reasonable doubt.

Mr. Eaton then adds:

The conclusion of the whole matter was that in 1876, open competition, in which those of every race, religion, caste, color, or party could freely participate on the same terms, became the established and sole means of entering the civil service of India. To this is, of course, the exception of the Viceroy, and of any other officers who may be sent to guide the general policy of the Indian government. The original admission is to the lower grade of the service, and the higher places (save the very few exceptions just noted) are filled by promotions based on merit and experience in the subordinate service. Special study for two years\* after selection by competition and before entering upon practical duties is made necessary by reason of the considerable knowledge of local laws, languages, and institutions which are indispensable in the public service of India. The same rule, in that respect, had existed when selections were made under the old system.

The world knows full well what oppression and extortion marked the early years of British rule in India. The original system was one of pillage and spoils. I have now given the merest outline of the failure of the partisan system (which succeeded the spoils system) and of the method of patronage in the hands of members of the Indian board, supplemented by a college course, which stand between the old order of things and the new. We have reached a point where it is demonstrated, by the most ample experience, that the prosperity and safety of England and India alike require that places in the public service of the latter shall depend neither upon the favor of any party, any cabinet, any great officer, any board of control, nor upon anything other than the personal merit of the applicant, decided by a standard, public, uniform, and just. If I could afford the space, I might call attention to particular facts showing that competition had given not merely more bright men of learning, but men with physical systems as strong, with characters quite as high,

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\* At present the period of probation and special study is one year.



with practical, administrative capacity not less, to say the least, than had come into the service under any other system. \* \* \*

History, perhaps, affords no example so remarkable as that of British India of the efficiency and power of able and upright officers and good methods in administration to lead a people in order and prosperity and to hold them in subjection while raising their civilization. The civil servants of Great Britain in India are but a little band of a few thousands, scattered over a vast empire, holding in obedience nearly 190,000,000 [now more than 220,000,000] people of different races, castes, and religions. These races are not wanting in ability or learning, and they are proud, bigoted, and warlike. They have many languages, and laws and customs older and more numerous and complicated than any other people. Nowhere is the peril or the responsibility of government greater. All the officers are remote from the seat of ultimate responsibility, and many of them are widely separated from each other, so that discretion, firmness, practical resources, and high administrative ability are more than anywhere else indispensable and invaluable. It had been thought by many that even if competition would secure bright men, and perhaps good theorists, it would fail to secure practical men, sagacious administrators, competent to command and to lead. It is worthy of notice, therefore, that its first great trial and success [the system of appointment by open competitive examination was applied to the civil service of India first among all the departments of the British Government, 1853] seem to demonstrate the incorrectness of that view. It is no longer ability to lead an army and a body of civil tyrants in enforcing measures of oppression and exaction that is needed in India, but ability to collect and expend a revenue as large as that of any but a few of the greatest nations of the world; ability to take supervision of the construction and management of railways, roads, public drainage, irrigation, hospitals, and other works of internal improvement of great magnitude; ability to sustain a judicial administration demanding more learning, patience, and high sense of justice than any that ever existed in any other country. Nor should it be forgotten that whatever places the merit system has thus opened to worth and capacity have been taken from the perquisites and the spoils of office and politics. Where before governors, judges, directors, members of Parliament, heads of offices, or great noblemen or party leaders could, at their arbitrary will, say to one, you can enter, and to another, you can not enter, the public service of India, they must now accept some one from among the most meritorious in the competition, even if he be a child of a Hindoo of the lowest caste or the orphan of a British sailor.

Speaking upon the same subject in connection with the administrative problems now confronting the United States in the Philippines, Mr. Eaton used the following language in an address delivered before the National Civil Service Reform League at its annual meeting held in Baltimore, Md., December 15 and 16, 1898:

No lesson is so instructive as that which British India can teach us, and therefore again I turn to it. England, through brilliant deeds of war in the last century, had won that vast dependency of more than 100,000,000 people, of diverse civilizations, of many conflicting religions, of numerous languages and races. The early attempts to govern India resulted in such oppression, injustice, extortion, and corruption as have been made familiar to the world through the trials of Clive and Hastings and the speeches of Sheridan and Burke.

The Government of England at that time was strictly party government, with an aristocratic and royal accompaniment. Even administrative offices until far into the nineteenth century were gained both in England and India by party and official favor, by class influence, and by the power of wealth and rank. A party, aristocratic, and ecclesiastical spoils system prevailed.

More and more, after the great Indian wars were over and government was reduced mainly to administration, it became apparent, soon after 1840, that the inferior partisan and unreliable officials which such a system put into the Indian civil service were incompetent for their duties and were also a source of grave peril. The people of India were not conciliated or elevated, but were exasperated and demoralized. The greatest difficulty of their government—the provision of a good civil service—yet confronted England. The mutterings of that fearful storm which burst over India in 1857, known as the Indian mutiny, soon began to be heard. Anxiety for the future caused the trial of various remedial experiments—and among them pass examinations and a two years' college course of study—for improving the class of persons appointed under this English spoils system into the civil service of India. These experiments were utterly inadequate. The alarming tendencies, both in the army and in the civil service, increased. The foremost Englishmen in public life became alarmed as to the fate of India.

Great statesmen and party leaders, Lord Aberdeen and Lord Derby among them, had become convinced in 1853 that great and radical changes must be promptly made to arrest the decay of India or to long hold it as a British dependency. Elab-

orate investigations were made, and the result was that a very original and fundamental provision was incorporated into the India act of 1853, one of the most enlightened, liberal, salutary, and far-reaching provisions ever incorporated into the administrative laws of any nation.

The whole system of party favor, spoils, and influence for making appointments for India was rejected. In its place it was provided that any subject of Her Majesty might freely compete, according to fixed regulations and regardless of political or religious opinions, for appointments in the Indian civil service, and that the most meritorious competitors should be appointed and promoted.

Here was not merely a rejection of the old English spoils system and of the theory of privilege and influence upon which great parts of the English constitution had rested, but there was an adoption of the republican and democratic theory of equal opportunities before the law and common justice which are fundamental under our national constitution. It was a grand triumph of English justice and statesmanship.

I can not stop to explain to you the desperate efforts made by the combined partisans, aristocrats, and spoilsmen of England for arresting this noble measure of democratic liberty and justice, efforts much in the spirit of the attempt made during the present year to overturn our own civil-service reform law of 1883, and to coerce the President. Many able men had leading parts, Macaulay and Lord Ashburton among them, in carrying the new system into effect. It was too late to avert the great mutiny, but it was not too late to continually bring into the service of India those young men of superior character and ability from all classes, races, and creeds of her people, which conciliated their favor, improved their government, and elevated their moral tone, giving them the best civil service any dependency of any nation, either ancient or modern, has ever possessed. Indeed, I think it not too much to say that hardly any nation of the world has had in its administration civil servants superior to the 60,000 or more which now conduct the administration of British India. The people of India have been made peaceful and contented. They have not only accepted the principles of justice and liberty which prevail in England, but they have been made ready to fight under her flag wherever on the globe it may be unfurled. Perhaps it may be said that there has been more bad administration connected with our small Indian affairs in the last forty years than there has been among the 200,000,000 of people of British India.

I have not time for explaining how the example in British India was soon copied in the British colonies, or the extent to which it has contributed to that unapproached superiority of English colonial administration which the whole world recognizes.

I can not even show how the experiment in India before long resulted in the overthrow of the old spoils system in Great Britain itself, and to the substitution therefor of free, open competitions of merit, both in the military and the civil administrations, a revolution so great that now, though parties remain as vigorous as before, upon a change of administration in Great Britain there are not, disregarding a very few neglected petty places, a hundred changes of offices for party reasons in both the civil and military services combined, incredible as the fact may seem to us.

#### JAMAICA.

Jamaica belongs really to the class of Crown colonies popularly so called, but officially to the second group of the colonial office classification, "Colonies having representative institutions, but not responsible government."

The geographical position and the physical conditions of the island of Jamaica, lying, as it does, just south of Cuba, to which it is in many respects similar, are too familiar to require any description here.

The island has been in the possession of the English since 1655, and from the time of its acquisition down to 1865 it possessed more or less of representative institutions. In that year, however, there was an outbreak of the negro population in the parish of St. Thomas, with the cry of "Color for color, blood for blood!" resulting in the butchering of magistrates and the terrorizing of the people. After the suppression of this disturbance, Governor Eyre urged on the legislature the instability of the then existing form of government and its inadequacy to meet the exigencies of the community and the necessity of making some sweeping change by which a strong government might be created. The legislature concurred with the governor in the opinion that the then existing conditions and government could lead only to a second Haiti, and accordingly an act was passed authorizing the Crown to reconstruct the government with regard to the present necessities. This was done, and the resulting government, a Crown colony in the strict sense, existed from 1865 to 1884. In the

latter year the legislative assembly of the island was again made in part elective. At present, nine members of the legislative council are elected by the respective parishes.

The following paragraphs on the civil service of Jamaica are contributed by Mr. Z. L. Dalby, a member of the Commission's force, from information personally obtained by him while in Jamaica in January, 1899, when temporarily in the service of the War Department and on duty in a clerical capacity with the medical commission sent to that island to obtain information as to sanitary and other conditions maintained there by the British, for the profit of our Government in its work in Cuba. Not only does his article furnish a fairly comprehensive statement of the civil-service system of the colony of Jamaica, but it may be taken as an example of the civil-service system of a great many other British colonies in which similar conditions are known to exist, but about which, on account of lack of definite information, exact statements can not now be made:

The executive civil service of the island of Jamaica consists of a governor, a colonial secretary, and assistant colonial secretary, a department of public works, a Crown lands department, a railway department, an auditing department, a treasury department, a stamp department, a revenue department, a post-office department, a government medical service, and a registration department. With the exception of the governor, whose term is fixed, all officials hold office during efficiency and good behavior, or until transferred, in the regular order of rotation and promotion, to another post or another colony. It is but recently that the term of office of the governor has been definitely fixed at five years, and his salary at £5,000. Formerly his term of office was not limited, and in addition to his salary, which was £6,000, he had an allowance for expenses. In lieu of this expense allowance, the governor now enjoys the privilege of importing all his supplies free of duty.

The present rates of compensation of the chief officers of the government are as follows: Colonial secretary, £1,300; assistant colonial secretary, £700; attorney-general, £1,500; director of public works, £1,350; auditor-general, £800; treasurer, £600; collector-general, £900; superintending medical officer, £1,000, and inspector-general of prisons and police, £850.

In the various departments are employed upward of two hundred clerks, divided into classes—first, second, and third. The compensation of third-class clerks, so called, ranges from £78 to £110 per annum; that of second-class clerks from £100 to £300 per annum, and that of first-class clerks from £210 to £500 per annum. The lines of demarcation between the classes, so far at least as salary is concerned, are not very rigid or well defined.

Admission to these clerkships is always obtained by competition in an examination. In some cases it is an open competitive examination, which any person of proper age may enter upon the presentation of the required evidence of health and good character and the payment of the required entrance fee. In others the competitors are nominated by the governor, but even then they have to compete among themselves in an examination (as there are usually more nominations than there are vacancies which can be so filled), and they must qualify in the same examination that is given in the open competition. The vacancies, existing and prospective, are divided equally between the two classes, nominated candidates and competitors in the open examination, and the examination is announced and the appointments made accordingly.

The examinations are held by the schools commissioners, but the papers are prepared and marked by the imperial civil service commission in London. Their method of arranging the examination papers according to examination number, and thus concealing the identity of the competitor from the marker of his papers until after the marking is completed, is said to be the same as ours.

The examination is divided into two parts—a preliminary or more elementary examination, including the elements of penmanship, orthography, arithmetic, and English composition, and the regular or decisive competitive examination, which includes in addition to the elements already mentioned, copying of manuscript, geography, indexing or docketing, digesting returns into summaries, English history, bookkeeping, Latin, French, algebra, and geometry. Success in the preliminary examination is necessary before admission is given to the regular examination. For entrance to the former a fee of 5 s., and to the latter a fee of £1, is required.

After gaining entrance to the service (which is always at the minimum salary—£80 per annum) the newly appointed clerk is on probation for a period of twelve months, unless the head of his department decides before the expiration of that time that he is unfit for the position, when he may immediately recommend him for discharge. The final action in such cases is always with the governor, and though the governor may remove him from the office in which he was first appointed he may

give him another period of probation in some other department. If, however, he passes his twelve months' probation successfully, the head of his department certifies to his efficiency and he receives a permanent appointment. He is then advanced according to his merit, and may arrive at the grade of first-class clerk, or even be put at the head of a department. Indeed, whenever it is possible to do so—that is, where the best men can thus be obtained and where the position does not require special technical or professional qualifications not to be found in subordinates—the headships of departments and the higher offices in the service are filled by advancement from the lower grades. But recently a clerk in the colonial secretary's office was transferred and advanced to the position of auditor-general in another colony. Thus the service contains the possibility of a career to one who can enter it at an early age and at a low salary. But as a man must be between the ages of 18 and 21 to enter the examination, unless this restriction is removed in his favor for special reasons, and can receive only £80 per annum at first, many of the best men are necessarily excluded from the service under the present system.

Men who receive nominations for examination are usually sons of able and faithful public servants, or have some other special claim upon the government; but when a young man is thus nominated it is necessary for him to volunteer—that is to say, enter some office in which he gives his services to the government without pay for a certain length of time, during which he familiarizes himself with his prospective duties. It is then necessary for him to qualify in the regular examination before receiving an actual appointment.

The bulk of the civil employees have at least some African blood in their veins, though there are but few full-blooded negroes in the service. This might naturally be expected when it is considered that there are only a little more than 14,000 pure-blooded Caucasians in the island out of a total population of nearly three-quarters of a million. But the services of the pure-blooded African are said not to be satisfactory on account of an alleged deep-seated ancestral tendency to confound *meum* and *tuum*.

The telegraph service is under the control of the Government, but it is not subject to the operation of the civil-service regulations. The positions of telegraph operators are not filled from examination, but are held, for the most part, if not entirely, by women who have been taken in on a sort of apprenticeship and trained to the service which they will be required to perform.

Women are also employed in certain positions in the post-office department, but there appears to be little if any competition between men and women in the service, as the positions which are usually occupied by women are those which pay salaries so small as not to induce men to apply for them.

Tenure of office is based absolutely upon merit. As long as a man is efficient he retains his position, and if he considers himself unjustly treated, either in the matter of reduction of salary or removal from office, he has an established legal right to appeal. Such appeal is addressed through the governor to the secretary of state for the colonies, and final action is suspended until the appeal is acted upon by him.

In case of reduction in the pay attached to an office the incumbent officer has a right to a cash compensation for this loss of income. The amount of this compensation is based upon the amount of the reduction of his salary reckoned for a certain term of years. The rule varies and is, indeed, something of a sliding-scale arrangement, so that I merely give the general principle without attempting to state the details. He may also, if he chooses not to continue in office at the reduced salary, demand the cash commutation to which he would be entitled as above, and then retire on pension, his pension being fixed in accordance with the general pension scheme.

All permanent civil officers are entitled to retirement on pension after a certain term of service. The pension regulations are those obtaining in the central government, and, in fact, throughout the British Empire. The age of retirement on pension is 60 years and the beneficiary then receives an annual pension amounting to one-sixtieth of his average salary during the last three years of his service, for each year of service which he has rendered. As stated above, he may have the option of retiring on pension before the age of 60 in the event of a reduction in his salary; otherwise the recommendation of a medical board is required in order that he may retire before that age. In any event, he can not receive a pension unless he has served at least ten years. Officers that are employed temporarily for a definite term of years (that is to say, for work that is temporary in its nature) are not entitled to pensions, and this is so stated in their contracts.

Each civil servant of the colony of Jamaica who comes within the provisions of the pension scheme is required to contribute annually 2 per cent of his salary to the pension fund. This is an absolute contribution, and he has no claim to any benefit from it whatever unless and until, in the operation of the general pension scheme, he is entitled to retirement. If he resigns from the service before that time, he loses what he has contributed to the pension fund. But if, by reason of disability incurred in the service, he is compelled to retire sooner, he may be pensioned upon the recommendation of a medical board, as indicated above.



If an officer is accused of corruption or defalcation, or any improper act in office, charges are preferred against him before the privy council. If the charges are deemed by the privy council to be well founded, they are forwarded to the secretary of state for the colonies, with recommendation for action, and the officer is temporarily removed from the performance of the duties of his position and put upon half pay awaiting final action upon the case. If the charges are finally sustained, the officer is removed absolutely, loses all emoluments and right to pension, and is forever debarred from employment in the public service. He has, however, the right of defense, and if the case against him is not sustained, he is reinstated in the performance of the duties of his office and the enjoyment of all its emoluments.

The prevailing office hours are about the same as with us, from 9 a. m. to 4 p. m., though there is a slight variation from this in some of the departments.

In each year a civil officer may receive leave of absence not exceeding six days at one time, or a fortnight in one year, on full pay, in addition to regular vacation leave. An officer may receive three months' vacation leave in any two years on full pay. After six years of service in the colony, or sooner if special reasons justify, an officer may receive leave of absence on half pay, not to exceed one-sixth of his whole resident service, and on special grounds such half-pay leave may be extended for as much as six months more.

The heads of departments are not disposed to be enthusiastic in their praises of the present system of appointment by examination. They make the same complaint that is so common with us, that they are obliged to employ men who are selected for them without regard to the particular duties to be performed, and for whose good conduct and fidelity they are responsible. They maintain that the present system is not the best, either as to efficiency or economy, and that the service was on a better footing during the first years of the existence of the Crown Colony, before the introduction of the present civil-service regulations.

After enjoying to a certain extent a representative government almost from the beginning of its existence as a British colony, the constitution of Jamaica was revoked, just after the suppression of a rebellion of the blacks in 1865, and the government was vested entirely in officers directly responsible to the Crown. From this time until the establishment of the examination regulations for entrance to the civil service, in 1885, heads of departments nominated the men to hold office under them and they were appointed by the governor, without any other test of fitness. As there was no necessity to gain political favor and as on the other hand they were responsible to the Crown for the efficiency of their departments, it is difficult to see how there could have been any motive on the part of heads of departments to appoint any but the best available men to subordinate positions, and hence there seems to be some justice in their claim that the period just before the introduction of the examination regulations was that in which the possibilities for securing the most efficient and most economical administration of the civil service were the greatest. They say that while the examination system has been most beneficial in the Home Government, the same conditions do not exist in the colony, and that the mere direct personal responsibility of the head of the department to the Crown led to better results. It is of course superfluous to remark that conditions exactly similar to these could never exist under our Government, and hence that what the officials here regard as the best period of their administrative civil service must be left out of consideration if we are to make comparisons with a view to our own profit.

### SELF-GOVERNING COLONIES.

The self-governing colonies of Great Britain are: Canada, Newfoundland, Victoria, New South Wales, Queensland, South Australia, Western Australia, New Zealand, Tasmania, Cape Colony, and Natal. They are all, with the exception of the northern parts of Queensland, South Australia, and Western Australia, in the temperate zone, and on account of the salubrity of their climate, are valuable as "residence" colonies for the overflow of population from the United Kingdom. In this respect they are essentially different from the colonies thus far described, for to those the individual Englishman comes for the merely temporary purposes of governmental administration and commercial gain, looking back always to the United Kingdom as home. But to the temperate zone colonies the subjects of Her Majesty have emigrated in a very true sense. The climate permits them to do out-door labor themselves, so that they are not, as in the case of the tropical Crown colonies, dependent in this respect upon the native population, which being sparse, and barbarous or savage, has been ill-fitted to hinder the inflow of the tide of immigration. *Coming to such colonies, therefore, the English have made themselves homes, to*



which they have brought the customs, institutions, and laws of their motherland, and their new country has become, as it were, a geographical extension of the old, even though at the antipodes. One is therefore not surprised to find existing in these colonies governments modeled essentially on that of Great Britain.

The following quotation made by Sir Thomas Brassey, governor of Victoria, in an article in the *Independent* from a speech delivered in the Victorian legislature by Mr. G. Higinbotham, formerly chief justice of the colony, very well describes the position of the self-governing colony under the British Empire:

What is the constitution of this country? I suppose it might be most shortly and fitly described by saying that we possess, by our constitution and by law, almost all of what are known as the absolute rights of independent States, subject to certain qualifications, and that we possess none at all of what are known as the relative rights of independent States. We possess virtually, according to law—though not in fact—independence. We possess also the right of legislation, subject to a very anomalous condition not accepted by ourselves, but imposed upon us by the English Government and the English Parliament, which enables an English minister, a foreign minister, I will say, for this purpose, to advise the Crown either to accept or to reject any of our legislative measures. That, no doubt, is the anomaly—it is an anomaly which exists in law—and can be corrected only by the joint action of the governments and legislatures of these colonies. Again, we possess the right of property, which is also one of the rights ordinarily conceded to be the rights of independent government. We have power to dispose of our own lands, of our own mines, and, in fact, of all the abundant property with which Providence has blessed this country. This we possess in absolute measure. On the other hand, we don't possess what are known as the relative rights of nations. We can not send an embassy that will claim official recognition even to a neighboring colony. We can not make a peace or proclaim a war. These are relative rights outside ourselves, and we have no power to exercise them. Sir, it seems to me that this distinction between absolute and relative rights forms the clearest and most distinct description of the rights of self-government which this and the neighboring colonies enjoy under their constitution acts, and the form of this government, according to law, the House is of course acquainted with. It is the form known as the form of responsible government. Under this form there is a head of the executive government who is absolutely independent of all foreign and external control, except in the particular case in which power is reserved by our constitution act to a minister to instruct the governor in respect to the reservation of bills. With that single exception, I venture to assert, and I challenge contradiction from any person acquainted with constitutional law, in all the internal affairs of Victoria the head of the executive enjoys the same freedom and independence with regard to Victoria that Her Majesty does in Great Britain.

The governor is appointed directly by the Crown, but it is the uniform practice to consult the wishes of the colonists in making such appointments, so that it is very seldom that a governor is appointed who is out of sympathy with the main body of the inhabitants of the colony. And being thus appointed by the Crown, coming from without the colony, and representing no local party, he possesses a prestige and can maintain an impartiality as arbiter and moderator between factions which would perhaps be impossible otherwise.

It will be seen, therefore, that in their government these are colonies little more than in name. They are in reality more nearly comparable with our own Government than with that of any territory that might possibly be treated by us as colonies. For that reason, and also because the main facts in regard to them are so widely known that a restatement of them is unnecessary, this class of colonies is passed over very hurriedly, regardless of the well recognized fact that they are by far the most important of all the colonies in the world. In them have grown up systems of civil service founded upon and similar to that of the home Government, differing from it in minor details alone, as modified by local requirements. As in the Imperial Government, entrance to all positions, except a few of the highest grade, is by open competitive examination, and tenure of office is strictly according to merit. The principle of superannuation and retiring allowances obtains, as already indicated in the early part of this article. It is, however, aside from the present purpose further to amplify this branch of the subject at this time.

## GOVERNMENT BY CHARTERED COMPANIES.

Although governments by chartered companies are omitted from the classification of the British colonies as officially given in the colonial office list, no consideration of the colonial possessions of Great Britain would be complete without some attention to the influence which such companies have had in the building up of the Empire.

Historically considered, chartered companies appear to have been the pioneers in the majority of all British colonization. Between 1554 and 1672 a number of charters were granted to companies for purposes of trade and colonization in different parts of the world. Among these the most important, perhaps, by reason of their influence on after history, were the East India and the Hudson Bay companies. Through each of these companies an imperial domain has been added to the possessions of the British. Their purpose was primarily to trade with the natives and to open up and exploit the wealth of the countries over which their charters gave them authority. Incidentally, however, it was necessary to establish a government under which these operations might be carried on, and the governments which they thus established, being subject to the sovereignty of Great Britain, were essentially colonial governments. And in each case the territories formerly administered by the companies have in due course of time become part of the regularly recognized colonial empire.

After 1672, however, the practice of granting charters to companies for the purpose of development and colonization of and trade in new territory fell into disuse until, in 1881, it was revived by the granting of a charter to the British North Borneo Company. This was followed in 1886 and 1888, respectively, by charters to the Royal Niger Company and the Imperial British East Africa Company, and finally, in 1889, by that to the British South Africa Company, the most important of them all, perhaps, in the extent of territory administered and the magnitude of the powers enjoyed.

On July 1, 1895, the territories of the East Africa Company were turned over to Her Majesty's Government and are now administered by the foreign office as a protectorate, through the consul-general at Zanzibar. Eliminating, therefore, the Niger territories, which are administered by the Niger Company as a protectorate under the direction of the foreign office, it may be said that government of colonial territory (if we may use such a term in this connection) by means of chartered companies is now confined to North Borneo and South Africa.

## BRITISH NORTH BORNEO COMPANY.

The actual administration of its territory by the British North Borneo Company preceded by several years the granting of its charter. Nor is the idea of thus exploiting and settling the vast territory of North Borneo, with its sparse population and hitherto undeveloped resources, original with this company. As early as 1865 the United States consul at Brunei obtained from the Sultan concessions very similar in scope to those afterwards obtained by the present company. In consequence the "American Trading Company of Borneo" was organized, with headquarters at Hongkong. This company met with no permanent success, apparently from lack of capital; but its enterprise seems to have suggested to Mr. (now Sir) Alfred Dent, of London, the idea which has been more fully developed and successfully carried out by the British North Borneo Company. He accordingly acquired for himself and associates the rights of the American company, and gained further concessions by negotiations with the native sovereigns or sultans.

The territory covered comprises the whole of the northeastern end of the island of Borneo (situated about 750 miles south-southwest from Manila) with the islands lying within 3 leagues of the coast, having a total area of some 31,000 square miles, with a coast line of 900 miles, over which practical sovereignty was transferred to

the association with the apparent good will and approval of the natives. Its population is about 175,000, consisting mainly of Mohammedan settlers on the coast and aboriginal tribes inland, with some Chinese traders and artisans. The country is mountainous, one point rising to 13,700 feet above sea, but most of the surface is jungle. The financial consideration for the transfer of the territory was the annual payment of \$12,500 in subsidies, which were intended to replace the revenues formerly derived by the sultans.

On December 2, 1878, Mr. Dent made application to the British Government for recognition of his enterprise by royal charter, but the opening up, settling, and governing of the territory under the concessions of the sultans were begun without awaiting the result of the application for charter. In consequence the territory was sometimes called, in the contemporaneous discussion, "Mr. Dent's kingdom."

On November 1, 1881, after satisfying itself of the validity of the native grants, as well as of the character and success of the enterprises already undertaken by the company, Her Majesty's Government granted the charter prayed for, by which Mr. Dent and his associates were erected into "a body politic and corporate by the name of the British North Borneo Company." By this charter the company was given a perpetual succession and a common seal; it was to remain British in its character, and the directors were to be British subjects; the company's grants and commissions, its dealings with the native sultans of Brunei and Sulu, and with any foreign power, were put under the control of the secretary of state; the company was required to discourage to the best of its ability and to abolish by degrees any system of domestic servitude existing among the natives and to allow no foreigners to own slaves of any kind in its territories; the religion of the people must be respected, and in the administration of justice careful regard must be had to the existing native customs and laws, and in all such matters the secretary of state may intervene at his discretion; the appointment of the company's principal representatives is subject to approval by the secretary of state. On the other hand, the company was given power to extend its possessions and to acquire by purchase, concession, or other lawful means further powers over the lands it already held, and it was given general detailed powers for doing all things necessary to the administration of the country.

The local administration is in the hands of a governor, subject to the control of a board of directors sitting in London. Under the governor is a colonial secretary, residents in the nine districts into which the territory is divided for administrative purposes, and other officers in the island. The laws are adapted from the Indian and colonial codes. The company has its own copper coinage, note issue, and stamps.

That the administration of the company has been eminently successful, as well as beneficial to the country, there seems little room to doubt. That this is the judgment of the British Government is shown by the action taken by it on May 12, 1888, in assuming a formal protectorate over the territory by agreement with the "State of North Borneo," by which the company was to continue to administer its territories as an independent State, under the protection of Her Majesty's Government, who might appoint consular officers and should look after all foreign relations, but not interfere with the internal administration. This favorable disposition of the Government toward the company is further evidenced by its action in 1889 in placing under the company's administration the British colony of Labuan, a small but important island off the coast of Borneo just to the west of the company's territories.

The company may really be said to be more a governing than a trading company, and the good work which it has been able to do in the development of the country seems largely due to the feeling of confidence in the English which has been inspired in the natives by the Brookes, who, as rajahs of Sarawak, have for the past forty years administered in the name of the native sultan the extensive province adjoining the territories of the company to the west.

## BRITISH SOUTH AFRICA COMPANY.

The company's charter was granted in 1889, upon the urgent solicitation of Mr. Cecil J. Rhodes, who had acquired certain mining concessions from Lobengula, the king of the Matabeles.

The principal field of the company's operations was defined to be "the region of South Africa lying immediately to the north of British Bechuanaland, and to the north and west of the South African Republic, and to the west of the Portuguese dominions." No northern limit being fixed, its sphere has been extended beyond the Zambesi into Central Africa as far as the Congo Free State, the whole territory being divided by the Zambesi into Northern and Southern Rhodesia, as now known.

By its charter the company is given authority to construct railways and telegraphs, to promote trade and colonization, and to develop mineral and other concessions; but any monopoly of trade is definitely negatived, and the interests of the natives are safeguarded by the reservation to the Government of control over the company's political and administrative dealings.

The granting of the charter caused no little contemporaneous criticism, and its operations since have occasioned even more. To trace its history in this connection, however interesting it might be, is aside from the present purpose, and the facts thus far do not, perhaps, justify either entire condemnation or unqualified approval. The fact that it was possible under the administration of the company for a system of forced labor by the natives to come into vogue after the Matabele war in 1893, practically equal to and in some respects even worse than absolute slavery, points clearly to one of the dangers which may accrue from government by a company by reason of the but imperfectly restrained self-interest of the ruling minority.

The present administration of Southern Rhodesia is regulated by the Matabeleland Order in Council of 1894, with certain amendments and modifications outlined in a communication from the secretary of state for the colonies to the high commissioner of South Africa, dated January 13, 1898, a synopsis of which is to be found in the London Times of February 25, 1898.

Under this order as modified the general administration of the company is vested in a board of directors which is elected by the shareholders of the company and which sits in London. All minutes, orders, or resolutions passed by the board must be submitted within eight days after their passage to the secretary of state, who has authority to veto or suspend the operation of any of them which he may deem objectionable.

The local administration is conducted by an "administrator" appointed and paid by the company, but whose appointment and salary are subject to the approval of the secretary of state, and who may be removed by the secretary of state or by the company with the approval of the secretary of state. The administrator is assisted in both executive and legislative functions by a council consisting of the judge of the high court, *ex-officio*, four elected members, two from Matabeleland and two from Mashonaland, and as many members nominated by the company as will preserve to it a majority so long as it is responsible for expenditures. The appointment of the latter, however, requires the approval of the secretary of state, but they are removable by the board of directors.

The administrator and his council are, however, subordinate to the high commissioner of South Africa, which office is held by the governor of the Cape Colony for the time being. The high commissioner may legislate by mere proclamation.

The administrator in council may legislate by ordinances, which are subject to the approval of the high commissioner, and to disallowance within one year by the secretary of state or by the board of directors.

The administration of justice is in the hands of a high court and of local magistrates. The judges of the high court are appointed and paid by the company, but *their* appointment and salaries are subject to the approval of the secretary of state, *by whom* alone they are removable. The appointment of magistrates requires the

high commissioner's approval and is subject to the secretary of state's confirmation. The high commissioner may suspend and the secretary of state may remove a judge or magistrate.

In 1896 all the forces in Rhodesia were placed under the direct control of the Crown. The commandant and other officers, though paid by the company, are appointed by the Crown.

The high commissioner is represented in Rhodesia by a "resident commissioner," appointed and paid by the Crown. He has a seat on the administrative council, with right to speak and to call for any documents or information, but not to vote. He can not overrule the administrator or council, or deal directly with the subordinate officers of the company, and can not interfere with the work of administration, except as regards the employment of armed force. His chief duty is to furnish to the high commissioner information upon which he may base his action in the confirmation, reservation, or disallowance of ordinances, and in giving or withholding his approval of appointments to and removals from office.

As to the attitude of the settlers in its territory to the government of the company, Captain Younghusband, in his book on South Africa of To-day, says:

Company rule is by no means held by them as a pattern of perfection. \* \* \* The favoritism, the advantages given to men who may have influence in England, are often bitterly complained of by hardworking settlers. The personnel of the administration is recognized to be inefficient. Settlers are well aware of the number of incompetent and even dishonest officials there have been in the company's service. They see how the company is defrauded on every side. They know that the native administration has been grossly misconducted in the past, and they complain bitterly of the injustice done to themselves in withdrawing all police protection for a raid on the Transvaal.

Yet, in spite of these recognized shortcomings, and in spite of their loudly expressed complaints, they prefer chartered company rule to direct imperial administration. Much is talked at home of these colonists being pioneers of Empire, but out there one hears very little of imperialism. The men who come out do not come for the purpose of extending the Empire. The Empire is one of the last things they think of, though they would all join heart and soul to assist England if she were ever in distress. But what they do come for is to make a living. The guiding minds who direct the schemes of colonization may or may not have the extension and welfare of the Empire as their ideal; but the ordinary colonist settles in Rhodesia either because he thinks he can make money more rapidly there than elsewhere, or because he wants to lead a free, unfettered style of life. One class wants a government which, good or bad, will at any rate push ahead, and the other class desires to be left alone as much as possible. All alike have faith in themselves and in the future of the country; and they believe that the pushing chartered company, spirited and generous as it has always shown itself, can do more for them than the slow and righteous Imperial Government ever would. Under the one, development will be rapid, if not solid; under the other it may be solid, but it will not be rapid. With the chartered company money will be made more quickly than with the Imperial Government. \* \* \*

Yet these settlers do not look to continuing permanently the present despotic system of government. They are nearly all British, and consequently liberty loving; and as soon as there is sufficient population they hope to see a self-governing colony, like the Cape or Natal, formed, when they can direct their own affairs. Rule by chartered company they prefer to direct administration by the Imperial Government; but they eventually hope to rule themselves, and form themselves into one more of our great self-governing colonies. \* \* \*

South Africa, altogether, is badly off for recruits for the civil service, and the chartered company, in particular, have difficulties in obtaining efficient men, because they can offer no inducement of permanent service for life. The majority of their servants are men who take up employment for a few years while they can look about for more lucrative employment with mining companies. All are, more or less, engaged in speculation, and none of them can look to any higher appointment as a goal of ambition. There is no inducement, therefore, for first-class men to enter the company's civil service, and the evil effects of a want of efficient men are especially felt in the native department.

To deal with natives men of the highest class are required, for the tendency to degenerate down to the level of the natives can be resisted only by the best. But the company have hitherto used not the best class of men who come into the country, but almost the worst. A knowledge of the language was considered the primary essential. The field of choice was consequently limited, and the men who had the



qualification were mostly small traders with little education, and quite unsuited to be put in positions of authority over men of a subject race. The result has been disastrous. But this defect the company are now doing their best to remedy by introducing men from Natal who know the Zulu language (which is practically the same as the Matabele), and have had experience in native administration. And very careful attention is being paid to the whole system of controlling the natives.

Mr. Lucas, of the colonial office, in his work on the "Historical Geography of the British Colonies," refers to the British South Africa Company in particular, and to chartered companies in general, in the following language:

The English, throughout their history, when pressing onward have always used the chartered companies. Two instincts have guided them—dislike of official interference and the commercial instinct. Those men, as a rule, do most and best work who have a pecuniary interest in the undertaking and an actual or prospective share in the profits; and accordingly the British nation, being largely a nation of traders, has favored the system of copartnership among its citizens who wish to open up distant lands.

Colonization in South Africa began with a chartered company, and its present development has been to a great extent due to the energy of another chartered company. The old company was Dutch, not English. It was closely bound up with the State. It was an East Indian, not a South African, company. It aimed at making money by a trade monopoly, not by promoting settlement. The new company, the British South Africa Company, is British. Its sphere has been in South Africa alone. It has been as progressive as the Netherlands East India Company was the reverse. It has been a land company, not a sea company; making railways instead of building ships; developing an inland territory instead of establishing factories on a coast. To criticise a company's acts and administration, to analyze, possibly to condemn, the motives of the promoters is easy and to some it is congenial. It is obvious that a private association is more adventurous and less safe than the State. It is obvious that there are serious drawbacks to a system of chartered companies, however carefully safeguarded, and that such defects are more apparent in modern days than in times when public opinion was less scrupulous and criticism less outspoken.

But for the purpose of studying the history of colonization, chartered companies should be looked upon as pioneers, and the question to be asked is not so much whether this or that company had this or that object in its formation or in its working, whether it is or is not likely to be financially successful, whether or not some of its dealings deserve reprobation, but rather, is it a good thing that British colonization should extend, and has the chartered company system promoted the extension? Englishmen are always being asked to apologize for themselves and for what they have done. The answer is that the English have been human, have made many mistakes, have done things which they ought not to have done, and still more have left undone things which they ought to have done; but, notwithstanding, their work has been in the main great, wholesome, and sound, and those who read a true record of what British colonization has meant, and how it has been carried out, will realize that the world owes much to the system of chartered companies.

### GENERAL REMARKS.

It will perhaps not be amiss to point out, before leaving this subject, a few of the principles and facts which most forcibly strike the attention in a general study of the problem of British colonization.

The general policy at present followed is one which has been arrived at as the result of long experience, and not one which has been hit upon by fortunate accident. It is diametrically opposite in many respects to the policy originally adopted and adhered to oftentimes through tremendous disasters until circumstances forced a change.

Ultimate authority is in all cases reserved to the Imperial Government, which therefore assumes ultimate responsibility.

Immediate local authority and responsibility are in all cases delegated to the colonists themselves, to the limit to which, judging by its past experience, Her Majesty's Government regards such responsibility as compatible with the best government possible in the region and among the people in question. (a) Some are governed entirely by officers appointed by the Crown and under instructions formulated by

the Crown, but in such cases the chief executive or governor is aided by the advice of a council consisting of men of probity and intelligence, appointed by the Crown, but whose essential qualification is a thorough acquaintance with the local conditions. (b) In some others the ability of the colonial people themselves to bear responsibility is recognized by permitting them to select a part of or all the members of this council, to which is then given restricted legislative powers. (c) In still others the ability of the colonists to produce the best results by governing themselves entirely is recognized, and that right consequently accorded. At a certain period in the past there seems to have been a disposition on the part of the Imperial Government to throw off what was regarded as too heavy a burden and to force this responsibility upon the colonies almost against their will, and perhaps before they were thoroughly prepared to attain the best results by assuming it.

The real interest of the colonies themselves is the paramount consideration in colonial policy, and that a change may be made in any line of action requires only that it be clearly shown that its effect is detrimental.

The policy and method followed in securing for the work necessary to be done in connection with colonial administration the men best fitted to do that work well has already been alluded to in the early part of this article.

### **DUTCH COLONIES—JAVA.**

The colonial possessions of the Netherlands cover an area of about 783,000 square miles, with a total population of about 35,000,000. They comprise, in the East Indies, the islands of Java, Sumatra, a part of Borneo, Riau-Lingga Archipelago, Banca, Billiton, Celebes, Molucca Archipelago, the small Sunda Islands, and a part of New Guinea; and in the West Indies the islands of Curaçoa, Bonaire, Aruba, a part of St. Martin, St. Eustache, and Saba.

Of all these, by far the most important and the most valuable to Holland is the island of Java, "the queen of the Eastern Archipelago," "wound like a girdle of emeralds about the equator." It lies between 6° north and 11° south latitude, and is about south-southwest from the island of Borneo and southeast from the Malay Peninsula. Its entire area of more than 50,000 square miles is said now to be brought under cultivation like a garden. Its population in 1895 was more than 25,000,000, or about 500 to the square mile—one of the densest populations in the world.

The system of government by which present conditions (under which an annual dividend is yielded to the Dutch Government) have been evolved out of the condition existing in the early years of the century, when the island scarcely supported 5,000,000 of inhabitants, and was yet like an ever-open sinkhole into which the revenues of Holland were drained, is an interesting subject of inquiry.

The island of Java was acquired by the Dutch in the early part of the seventeenth century, through its East India Company, the first governor-general arriving in the island in 1610. The supremacy of the Dutch in the island has been continuous since then, with the exception of the five years between 1811 and 1816. In 1811, when Napoleon made the Netherlands a province of France, the colony of Java was also taken possession of by the French; but in September of the same year the island was seized by the British through the government of India, and was held by them until 1816, when, in pursuance of a convention entered into between the two governments in 1814, the island was again turned over to the Dutch.

In Java, more, perhaps, than in any other country, the principle of community of ownership of land has prevailed from time immemorial. Under the native rule the land was regarded as belonging to the princes, who parceled it out to their subjects from year to year according to their needs. Each individual community or village had the use of the territory immediately surrounding it, which was as a rule separated from the lands of adjoining communities by impenetrable bamboo hedges. These lands were from year to year parceled out to the heads of families in proportion to the size of the families and the ability of each to cultivate the soil, there

being due from each head of a family as compensation to the prince for the use of the land one-fifth of its produce and one day's labor by himself in every five days—one day in each week, according to the native reckoning.

This system the English, during their brief government of the island, endeavored to replace by the system of individual ownership. The land was parceled out to the individual natives and each was required to pay a land tax. But the system of community ownership was too deeply rooted to be superseded, and although by a legal fiction each family in a village possessed a certain plot of ground, in reality the lands were parceled out as before and settlement was made in a lump by the chiefs of the villages.

Upon the return of the Dutch the impracticability of the English system was soon recognized, and the ancient system of the natives was reverted to. In so doing the Dutch held that they had conquered the princes and not the people, and therefore had come into the rights of the princes. The one-fifth of the produce was, therefore, demanded, but the labor tribute was reduced from one day in each Javan week of five days to one day in each European week of seven days. This principle in the tenure of land has continued to the present time, although the labor rent gradually disappeared, until finally, in 1882, it was made optional to commute it entirely into a small annual head tax.

In administering this system the Dutch have always made use of the machinery of government found already existing among the natives, merely regulating it by representatives of their own. The whole island is divided into some twenty-three residencies, or provinces, each under the general supervision of a Dutch official or "resident," who also acts as public collector and magistrate. A residency is divided into several regencies, each ruled through a native "regent" under the supervision of an assistant resident. For regents the native princes of the highest rank are selected. These rule in their own districts in accordance with native laws and customs, and with very much the same authority as before the Dutch conquest, but are subject to the supervision of the assistant residents, who, however, have little more authority than to advise the regent and to report to his superiors. The villages in turn are ruled by the native chiefs (who are elected by the villagers, subject to the approval of the resident) under the supervision of Dutch officials called "contrôleurs."

The actual government of the natives is, therefore, conducted entirely through the native rulers themselves, under supervision, and the same system has been extended to the government of other Asiatics resident in the island, who are subordinated to their own chiefs, the chiefs in turn being responsible to the government. The Chinese, Arabian, Bengalese, and other officials bear the titles of major, captain, or lieutenant, and they are usually men of wealth and position, exercising personal influence over their countrymen, and are treated with marked consideration by the European authorities.

While thus the machinery proper to each of the native races is used in governing it, Europeans are in like manner amenable to European laws and customs, as are also that part of the population having only a fraction of European blood, such people being said to be "assimilated with Europeans." The government is, however, very jealous of the intrusion of Europeans, and no foreigner is permitted to take up residence or to travel in the country without official permission.

The material prosperity of the island and its inhabitants, as well as a large part of the present form of government, has arisen out of what is known as the "culture system." This system was introduced by Gen. Johannes Graaf van den Bosch, who came to the island as governor-general for that purpose in 1830, after a long period of depression and annual deficits between revenue and expenditure. The system depended for success upon the principles of land tenure above described, involving a labor rent from the cultivator as well as a rent in kind from the produce of the land itself. The character of the Javanese seems to be one of childlike simplicity, combined with the apathy and indolence peculiar to the native races of tropical coun-

tries. Hence when left to himself his natural tendency was to retrogression, while under the strong hand of a paternal system of government his own condition seems to have been much improved, while the material prosperity of the country has been greatly advanced.

The plan of Van den Bosch was, briefly, (1) to assume such a control over the cultivation of the land and so to direct it as to increase the profit of production both to the natives and to the government, and (2) to encourage the respectable European inhabitants of the island by liberal loans without interest to erect the factories necessary to prepare for use the higher-grade crops which it was proposed to cultivate. The plan was so arranged as to give the government a small direct profit on the culture, in addition to the very large indirect advantage flowing from the increased prosperity of the country due to the large profits permitted both to the cultivators and the contractors.

Under the old system the natives, cultivating their lands under the direction of their priests, put most of them into rice, their staple article of diet. To one-fifth of this crop the government was entitled as land rent, but the cultivation was very imperfect and the returns seldom profitable. Under the new system the "contrôleur" of the village inspected the lands of the village, and after setting apart sufficient to produce the necessary rice for the subsistence of the community—never to be encroached upon for other purposes—directed one-fifth of the land to be planted with sugar cane, coffee trees, or some other profitable crop to which it was adapted, the produce of this one-fifth of the land to go to the government, in consideration of which the tax of one-fifth of the produce of the whole of the village lands was remitted. The government thus assumed the risk of bad crops, if from natural causes, in its one-fifth of the land. But in order that it might be to the interest of the natives to cultivate this one-fifth to the best advantage, it was agreed that after the crop was gathered the government would pay to the villagers all surplus which remained from the value of the crop actually gathered, at the prices prevailing in the local markets, over the estimated value of the old tax if the land had been in rice. While this was found in practice to give a very respectable sum to be divided among the villagers in the nature of actual wages, it still left the government in position to obtain further profit from the crop by exporting and selling it in the markets of Europe.

The wages paid to the villagers from this surplusage was divided among the whole working population and paid on a stated day by the government agent or "contrôleur," in the presence of the village authorities. So deep seated was the principle of community of wealth among them, however, that it was the general practice for each man to turn his wages over to the chiefs of the village, who would then redistribute the whole sum in proportion to the work actually done by the several heads of families and by the animals which they furnished, a record of which was carefully kept by the chiefs.

The best endeavors of the chiefs of the villages, and in fact of all the authorities, both native and Dutch, were insured by a certain small percentage to each from the profits on the increased production under the new system.

The encouragement to the contractors who were to erect mills for the preparation for market of such crops as sugar was in the nature of a liberal loan, to be expended under government supervision in the erection of a mill and the bringing of water power thereto. This loan was to bear no interest, but was repayable in installments of one-tenth annually, beginning with the third year. During the time required for the preparation of the mill, the contractor was also allowed, on the same terms, an annual loan for subsistence, the government undertaking that when the mill was ready for operation the crop which it was intended to prepare for market should be under cultivation in the village lands near by. Then the government either extended credit to the contractor for its own crop until prepared for market, or furnished the necessary loan to purchase it directly from the natives. The only condition laid by the government upon the contractor was that he should, when his product was ready

for market, deliver to the government, at a fixed price, at least enough thereof to pay the one-tenth installment of his original advance from the government, and the advance made to purchase the crop. The price fixed for this delivery of product was such as to allow the contractor a profit of about one-third on the estimated cost of production, and he was given the option of delivering his whole product to the government at that price.

Here, again, it will be seen, there was an opportunity for a legitimate profit to the government from the marketing in Europe of the prepared products of the island. In these commercial transactions the government has operated through the Netherlands Trading Society, a joint-stock chartered company, organized in 1821, which, although furnishing the large amount of capital necessary to inaugurate this plan, has earned very large dividends since the institution of the culture system, though previous to 1833 its operations netted only a loss.

When this plan was first proposed, the substantial Dutchmen of the island were reluctant to undertake contracts, because, although they were required to risk nothing beyond their own time and labor, the estimated returns under the old system of careless cultivation and idle habits could not show a profit. Once inaugurated, however, astonishing results were observable on account of the vastly increased productiveness under careful and industrious cultivation, and the system was recognized as a distinct success within a very few years. Its operation during the past seventy years has resulted in obliterating a large colonial debt, converting an annual deficit into a large annual surplus of revenue, in introducing plenty and contentment where before there were poverty, discontent, and crime, and, perhaps more wonderful than all, in more than quadrupling the native population of the island.

It is outside the scope of this article to go beyond this brief statement of the general principles of the system and enumerate the many details by which its operation was made successful. But these details appear to have been worked out with great care to check, on the one hand, injustice to the contractor through the idleness of the natives, and, on the other hand, any oppression which the natives might suffer through the selfishness and greater power of the Europeans. As was contemplated by its originator, the benefits of this plan have not been confined to those flowing directly from its own operation, but additional benefits have come from the increase of private and independent enterprise which its own success has caused in the island. The direct operation of the system was, in 1870, limited to the two crops sugar and coffee, and since 1890 it has been limited to the latter alone.

Perhaps the greatest weakness in the otherwise admirable system of ruling natives through their hereditary chiefs and princes was the imperfect protection which could be afforded to the cottiers or peasants against the oppression, sometimes heartrending, of the native rulers. Much has been said and written about the oppressiveness of the system, due to this and other features, particularly the labor tribute, and although there has been doubtless some foundation for such criticisms, it seems to be a fact beyond question that the material welfare of the natives themselves together with the prosperity of the country, has been wonderfully advanced, and that the more prosperous conditions enjoyed, coupled with the more industrious habits which have been induced, have resulted in a vast diminution of crime. The latest travelers in the island report the native population as in the main contented and happy, while evidences of friendliness and good will between natives and Europeans are apparent.

The enforced labor tax has been generally employed upon public works, chiefly roads. These latter are said to be in a high state of perfection, being very wide, and divided by a hedge down the middle, one side being macadamized for the use of light vehicles, while the other is for the use of carts and wagons.

*Civil service.*—At the head of the executive civil service is the Governor-General of Netherlands India, the seat of government being at Batavia. The Governor General is assisted by a council of five members, who perform legislative and advisory



functions, but have no share in the execution of the laws. The Governor-General possesses legislative as well as executive powers, making regulations where this power is not expressly reserved to the Home Government. He is restricted by the "Regulations for the Government of Netherlands India," adopted in 1854.

The lower grades of administrative officials are divided into three main classes:

Officials of the first class are men who have taken the degree of doctor of laws in Holland and then passed at the College of Delft a series of rather severe examinations, including the Javanese and Malay languages, knowledge of the country and nations of Netherlands India, Mohammedan justice and laws, modern languages, mathematics, geography and geology, physics, political economy, etc. Such men are eligible for any position under the government, whether in the department of justice or the interior.

The officials of the second class are those who have passed four years at the College of Delft, which is open to all, and then passed a competitive examination of the same scope as that indicated above for officers of the first class. These officers are especially devoted to the government of the interior, beginning as "contrôleurs," with the possibility of rising through the different grades to the highest positions.

The third class consists of men who are sent out as officials from Holland, like the first and second classes, but who begin their career in some of the inferior posts in the government offices.

It is in this capacity that the half-castes, and those who in Java are technically called persons assimilated with Europeans, mostly seek government employ. These men can rise according to their usefulness, but without any rank whatever, till they become clerks at 450 florins per month. Having once attained this maximum they can not rise higher unless selected to be made officials of the third class. The most competent are chosen by the Governor-General for that purpose as vacancies occur, and are proposed by him to the King of Holland for appointment. Officials of the third class can rise to the highest appointments in the administrative departments, but never to any posts in which they can come in contact with the native population or exercise direct authority over them. An official of the third class may, however, obtain permission to go to Europe to study at Delft, where, on his passing a satisfactory examination in the above-mentioned subjects, he rises to be an official of the second class. For this purpose the Java government pays his traveling expenses and allows him furlough pay during his absence in Holland, which latter, however, he has to refund if he fails in passing the necessary examination. ("Java, or How to Manage a Colony," by J. W. B. Money.)

*Duties of the various officials—Resident.*—The resident is the first local European authority and the chief of the large tract of country called a residency. His powers are judicial, financial, and administrative. He has general control over the whole residency, but he also performs the duties of judge, collector, and magistrate in one of the regency divisions of his residency. \* \* \* The resident exercises judicial powers, both civil and criminal, as president of the landraad and as judge of the residency court. He also acts as magistrate, both in committing to other courts and in the punishment of petty police offenses. The landraad, composed of the resident and two native members, and deciding by a majority, has large criminal powers, including all cases not involving life or transportation for twenty years. \* \* \*

The resident knows every one of the numerous native officials personally by sight, so as to be cognizant of his character and abilities, and he also knows every ascertainable detail about every individual in his regency. A register with ready means of reference is kept of the numbers of heads of families in each village, with the names and condition of each; of how many each family consists, and how many of its members are grown men, women, and children, together with any particulars affecting the members of each family. A map register is also kept of the exact amount and locality of land belonging to each village in common or to each peasant separately. The monthly reports keep the resident acquainted with the exact proportions of the land cultivated and uncultivated, and under what crops, together with the state of the cultivation and the probable harvest yield. All this is not only exactly registered, with easy reference to each particular, but is also personally verified and tested by the resident's constant visits to different parts of his residency.

The employment and means of livelihood of each individual, as also any change of residence, either temporarily of the individual or permanently of himself and family, are also duly noted. Every native of the country is free to come and go where and as he pleases, first getting a pass from his immediate native superior. The petty chief or head of the village from whose jurisdiction he removes, as well as the one to whose jurisdiction he goes, have, however, to report his departure and arrival.

I must do the officials the justice to say that, so far as I could ascertain, the minute and accurate knowledge of the people is not obtained by any system of spying, but by the constant intercourse and friendly communion of the resident and his European subordinates with the native chiefs and peasantry.

This constant communication and friendly intercourse, with the perfect knowledge thus acquired of the habits, wishes, and ideas of the natives, is considered by the Dutch one of the best results of the culture system, from which it sprung. Anything like native dissatisfaction is immediately known, its cause is investigated, and relief is at once applied in a liberal spirit, whether to the community or to the individual.

*Assistant resident.*—Next in rank and salary to the European resident is the native regent, but the next European officers are the assistant residents, each of whom administers, under the resident's orders, one of the outlying regencies of the residency, and has in his regency the same powers and performs the same duties as the resident does in the regency under his peculiar charge.

*Secretary.*—Each resident has a secretary, who is also a European civil servant, next in rank to the assistant resident, and who takes the place of his resident in presiding over the landraad, in case of the illness or absence of his superior.

The secretary prepares all transfers of heritable property, real or personal, witnesses their public execution by the parties before the resident and himself, and alters and renews the map registers and indexes, which show the titles in all the land in his district. He is also the director of both government and judicial sales, treasurer of public cash, and guardian of the public records. For these various purposes the secretary has under him a head clerk and the necessary complement of other clerks, all paid by government. With these he performs some clerical duties for the whole residency and the whole of the clerical duties for the regency under the resident's special charge.

*Contrôleurs.*—The next and lowest grade of European officials of the first and second class are the contrôleurs, whose special business is to superintend the cultivation of the country and to watch over and forward the welfare of the people. Every regency is divided into contrôleurs' circuits of such an area as to enable every village and field of his circuit to be personally visited and reported on by the contrôleur every month throughout the year. By this arrangement every native has constant opportunities of seeing one of his Dutch masters, and has monthly brought to his door the means of remonstrance and relief. The first five years of the young civilian's service are thus spent in a constant course of travel from one village to another, returning to the head station monthly for five or six days to finish up and give in his reports. He is early thrown alone among the people, with whom his duties require him to hold constant intercourse on every subject, securing the proficiency in the vernacular and the thorough knowledge of the natives which distinguish the civil service of Java.

The contrôleur's journeys are made on horseback, while his modest kit is carried by coolies. He is accompanied through each of the districts that lie in his circuit by the wedana or native chief of the district, and by the local native officials of lesser rank, also on horseback. He sleeps and lives in the stranger's houses, of which there is one in every village, built of bamboos and mats.

Each contrôleur has not only the supervision of the cultures in his circuit, but also their practical direction, by persuasion of the peasants, and by suggestion to the local native chiefs. He has to see that sufficient land is cultivated by each village with rice for the wants of the population, exclusive of the one-fifth under sugar or other crop for the contractor or planter, and that not only the sugar or other crop, but also the rice, is planted at the proper season, and is properly weeded and attended to during its growth. He is the president of the taxation committee that estimates the padi and sugar canes when ripe, both for land tax and for payment to the villagers. He has to see that both the village and the individual peasants possess the proper instruments in sufficient number for planting, cleaning, reaping, and preparing the crops. In case the yield of rice should be insufficient for the wants of the population, it is his duty to induce the villagers to plant such second crop as is best suited to the condition of the land. He has to ascertain and report what number of coffee trees per head of family are planted and in full bearing on the uncultivated lands and hillsides, and whether they are properly cleaned and attended to, and the coffee gathered when ripe, without being allowed to fall and germinate, as also whether the villagers are prepared with proper instruments for pounding, cleaning, and sorting the coffee.

The contrôleur has large powers of conciliation and of arbitration, and is generally made the recipient of complaints of the villagers, which he is bound to attend to, and himself to settle amicably if possible. In fact, he does thereby decide those numerous cases where practically all the native wants is to tell his story and get advice. He has himself no judicial or other authority or power whatever, except to conciliate, examine, and report. It is his duty, however, when he can not succeed in settling quarrels, to try and induce the parties to refer their differences to a

village jury or punchayet, giving him the reference for registration, in which case the punchayet's decision is enforced if necessary.

He is also the general attesting witness to the wills, contracts, and various other documents which, by the Dutch regulations, require for their validity to be executed before a European official.

The *contrôleur* has to visit monthly the government coffee, salt, and other stores in his circuit, and to make inquiry whether the native in charge deals with the surrounding population strictly for the fixed government prices, and without subjecting them to either extortion or inconvenience. He has also monthly to examine the books and to report upon the accounts of the petty native officials in his circuit. The native land-rent collectors, who receive the land rent from the village chiefs, and are bound to pay them monthly to the secretary as treasurer, have also to render him their monthly accounts, that he may test their accuracy through the village authorities.

No direct authority is exercised by the *contrôleur* over the native *wedana* or district chief, or over the *mantries* or petty chiefs who are at the orders of the *wedana*, or even over any village chief in his circuit. But his prestige as a European and his position as an official are not allowed to be affected by his want of power. He must be received and waited upon by the *wedana* when entering his district, and he must be attended in each part of his tour by the *wedana* and by the *mantries* and village chiefs in charge, to whom he remarks on anything he sees wrong, and suggests any improvements or alterations he thinks desirable.

On his return from his monthly tour the *contrôleur* reports to his immediate superior, whether resident or assistant resident, all the particulars of the cultivation of the whole of his circuit, in printed tabulated forms for each village, filled up on the spot. On these he also enters any matter relating to the village or any of its inhabitants which requires remark, and the new recommendations he has made to the native officials, together with their compliance or otherwise with his former suggestions. The native local officials know that the *contrôleur*'s report of any neglect or of any noncompliance with his suggestions will be forwarded by his superior to the regent, and will bring down on them the wrath of their native master, with various disagreeable consequences. The *contrôleur* therefore generally finds his suggestions carried out, except where the native local officials consider compliance unadvisable, in which case they report the suggestions to the regent, with their objections. The matter is then brought on for discussion at the next meeting of the *landraad*, and orders sent to the local officials in accordance with the decision there come to.

*Government through native chiefs.*—The real government of the natives is carried on exclusively through the native chiefs. The resident is only subject to the Governor-General in council, and is absolute master in his residency; but the native regent is the sole apparent source of authority. The European officials merely examine, suggest, and report, but have no power to issue any order or to enforce its execution. There are strict rules forbidding their attempting to do either. The high respect paid them and the generally ready compliance of the native officials with their suggestions naturally prevent these rules being often infringed.

At the same time, the European officials are always accessible and ready to listen to complaints. They do not respond to such complaints by issuing orders, or even by telling the complainant that they will secure redress. This would be considered an insult to the native official, who would probably resent and report it as subversive of his authority over the people, for the Javanese are particularly touchy on the point of honor. The European tells the complainant he will expostulate with the native chief, and will show him how his orders, or his conduct, have inadvertently caused injury or injustice, when, no doubt, the native chief will be only too happy to withdraw the order or repair the evil. If the native official be seriously in fault, the *contrôleur*'s report on the subject is probably by no means in such mild terms, and his expostulation with the native chief may not unlikely show his real opinion. By these means, however, in one way or another, the native constantly obtains remedy or relief through the European officials, while yet no European exercises any direct authority over him. The principle is insisted upon and strictly carried out, that all communication between the European and the native must be agreeable and beneficial to the latter, and that what orders or compulsion are necessary shall come to him solely from his own native chiefs.

*Regent.*—The first native official in each province is the regent, who receives a large salary, generally even higher than that of the resident, and whose rank and right of precedence is superior to that of every European official below the resident, except during the time such minor European official is presiding over the *landraad*. The regent holds a native court; is never approached by any native of inferior rank, not even by the members of his own family, except on the knees; has a large retinue, through whom he issues all orders for the regency; keeps up the pomp and state of a native prince; has full control over all the native chiefs and peasants of his regency, and is the apparent lord and ruler of his country. \* \* \*

Though the island is nominally divided into residencies, each containing three or four regencies, so as not to multiply the superior European officers, the practical division is the regency, the affairs of which are all conducted within itself by its own regent. The resident directs the general policy of the European officials throughout the residency; but he, as well as the assistant residents, are each appointed by government to the court of the particular regent whose regency he is to administer, and each lives in the station town and near to the palace of the regent to whose court he has been appointed.

The regent is always a member, though not always the head, of the chief family of nobles, who, prior to the Dutch conquest, were rulers of the particular district under the native sovereign. As much as possible the old native divisions are preserved, so as to maintain the regent's authority over the land and people that his ancestors ruled. The old official instructions to the resident and assistant residents direct them in words to treat each regent "as a younger brother;" and, in fact, the necessary intercourse for business between the regent and the resident or assistant resident, both in public and private, is apparently cordial, frank, and on equal terms.

Besides his large salary and his share of the culture percentages, every regent has landed property attached to his office. Yet, with all the pomp, dignity, and influence of a native prince, he is but the stipendiary of the Dutch Government, removable at will. While he remains regent he has rank, wealth, and power, the whole affairs of the regency being conducted exclusively by him and in his name. If dismissed from his regency he sinks at once into a mere member of the regent's family, and his pomp, wealth, and power pass to such other member of the family as the Dutch select to take his place.

*Wedana.*—The regency is divided into five or six districts, each of which is presided over by a native chief, called a wedana. This official is also a man of high family, but, like the regent, a mere government stipendiary on a large salary, with high position and rank among his countrymen, and holding a kind of minor court. Instead of being appointed by government, however, like the regent, the wedana is chosen by the native community, subject to the approval of the resident. The governor-general is expressly directed, by article 71 of "The General Regulations for the Government of Netherlands India," to maintain this right of choice against all violation. The wedana has under him a writer and two or three servants paid by the government, with which, and with the mantries or petty chiefs at his disposal, he carries on the police duties of the district and executes the orders of the regent. He is responsible for the immediate discovery and investigation of crime, which he reports to the regent, at the same time forwarding the criminal, and sending up the witnesses on the day fixed for trial.

The wedana is chief of the district court, which judges all petty cases of assault and quarrels among the peasantry of the district, and all civil claims between natives for less than twenty florins. He is always a man of high consideration, and the chief authority on the state of his people. He has to accompany the controller every month in his tour through the district, and to supply him with all necessary information and with the returns required. He is the native official to whom the controller suggests any alteration or improvements, which the wedana carries out by means of the mantries at his command. He is specially charged with the control and direction of the young mantries attached to his household, and his reputation is much gauged by their capacity and conduct.

*Mantries.*—The mantries, or petty chiefs, are of two kinds, salaried and unsalaried. The few salaried mantries preside over and manage separate parts of the wedana's district, under his direction, but the far larger number of unsalaried mantries attend the wedana's court, carrying his messages and executing his orders or superintending their execution by the village chiefs and villagers. These mantries are the sons and relations of the regent or of some of the wedanas and other chiefs; all young natives of family, even the regent's successor, becoming mantries as a matter of course. The salaried mantrie, like the wedana, is chosen by the native community from the unpaid mantries, subject to the approval of the resident. After appointment the salaried mantrie administers his charge under the wedana's orders, and is specially intrusted with the police duties of his subdistrict. Although the wedana can make any number of mantries he pleases, the selection for promotion and salary is made by the native community from the mantries, not only of the district, but of the whole regency. Thus, the mantrie's promotion depends not so much on his gaining the good will of his own immediate wedana as on his general reputation among his fellow-countrymen, and on the opinion of the European controllers. This prospect, of course, tends to keep the mantrie from exercising oppression or extortion on those by whose fiat promotion will be granted or withheld, and urges him to gain the good will of all with whom he is brought into contact.

*Village chief.*—The salaried mantrie's subdistrict is divided into village communities, each of which is governed by a village chief appointed by the resident on the free election of the villagers.



The village chief must be a villager himself, cultivating his share of the village land by himself or his family. He is elected for only one year, during which he is a salaried Government official, receiving 8 per cent on the land tax paid by the village, and his percentage on the culture, in the manner before described. The villagers are under his orders, are employed by him in the cultures, and have to furnish their one-seventh of gratuitous labor, or their one day's gratuitous supply of provisions to the mantries, according to the roster kept by him. Thus the village chief's power over his villagers is great during his one year of office. This and his emoluments, of course, make him anxious to be reelected, of which he has but little chance unless both just and considerate. To prevent that reelection being secured by power, the same individual can only be reelected after the lapse of one year from his last term of office. (*Java, by Money.*)

In concluding this treatment of the government of Java it is not inappropriate to quote the following letter of Consul Robert P. Skinner, dated Marseilles, May 11, 1898, published in No. 129, Advance Sheets of Consular Reports, June 1, 1898:

In view of recent developments on land and sea, I deem it proper to communicate some observations made to me by a subject of the Government of the Netherlands, qualified to speak on the topic of the Dutch rule in the island of Java.

This important possession came into the hands of Holland late in the seventeenth century, and, thanks to a wise and benign administration, has been a source of strength to a nation which, though occupying only a small corner of Europe, boasts of subjects numbering about 40,000,000. While the civil government of Java is conducted on principles of liberty, peace, and progress, the net annual revenue of the colony may be stated at 35,000,000 guilders, or about \$14,000,000, after paying all expenses, including the maintenance of an army of 20,000 men called into service to repress piracy and brigandage.

The native population is densely ignorant and full of caste and religious prejudices. The effort of the Government is to educate and elevate these people, without, however, outraging their racial instincts. To accomplish this end, the Dutch Government retains the native sultans and chiefs, supplies them with a gorgeous retinue, and surrounds them with every sign of pomp and power. Thus securing them upon otherwise precarious thrones, the paternal hand obtains in return faithful subservency, and the unobtrusive but all-powerful master of the situation rules without revolt, and at the same time sows the seeds of education and reform, which gradually ripen and bear fruit. My informant said:

"We Dutchmen in Java move like a drop of oil—very, very slowly, but all the time moving; and by and by, when something is accomplished, it has come about so gradually that nobody knows how it happened. We pay the native priests, we support a large native police force, and we rule by the hands and mouths of the natives; but all the time we have our own people on guard, and no important move is made without our consent. Thus the people and their chiefs are contented and happy, and we keep them so by maintaining a condition more favorable than they could hope to maintain themselves.

"We encourage a healthy morale by permitting native and European soldiery to marry and live together in families, and we never send a Dutch official to the colonies unless he is endowed with qualities likely to improve the condition of things. All our officials must work, and work hard. The improved condition of the natives over their fellows elsewhere shows what can be done. Eventually the entire colony will be ripe for similar government.

"The profitable side of the account is traceable to the operations of the Netherlands Trading Company, which is only another name for the Dutch Government. This company actually plants crops, manufactures, and sells on lands held by the Government. The Government at home operates as a planter and merchant, and its immense net income is the product of legitimate toil and enterprise, and not of burdensome taxation. We succeed among strange people because we do more for them than they can do for themselves, and any other scheme of colonization is bound to end in failure."





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## PART IX.

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### REPORT OF THE CHIEF EXAMINER.

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## PART IX.—REPORT OF THE CHIEF EXAMINER.

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### *To the Commission:*

I have the honor to present the following report for the year ended June 30, 1898:

During the period embraced in this report arrangements were made for holding 203 different kinds of examinations at 2,762 different times and places, of which 782 were for the Departmental and Government Printing services, 1,580 for the Post-Office service, 244 for the customs service, and 156 for the Internal-Revenue Service. Applications were received and carefully inspected for 46,313 persons who competed in these examinations. For the information of these applicants the Manual of Examinations was carefully and thoroughly revised and 85,000 copies were distributed on request.

During this period the examining division prepared the tests used in the different examinations and marked 55,849 sets of competitors' papers.

### PRACTICAL EXAMINATIONS.

It should be remarked that in the 203 kinds of examinations held during the year many were for positions in the service for which registers of eligibles are not maintained, as it is found more economical to hold special examinations when vacancies occur, on account of the small number of such positions. For a few of these positions the Commission had never before been called upon to furnish eligibles. The latter cases each represent a large amount of investigation and careful study, in order that the tests employed "shall be practical in their character and, so far as may be, shall relate to those matters which will fairly test the relative capacity and fitness of the persons examined to discharge the duties of the service into which they seek to be appointed," as the law requires.

It is becoming clearer every year that, with better knowledge of the requirements, the Commission is enabled to make its examinations more and more practical and thorough. For this reason the increased experience of those whose duty it is to prepare the tests for sifting applicants for appointment renders their work more and more efficient. While the examinations are frequently criticised because of the scholastic tests they contain, it appears that the general intelligence of the competitors, which these tests are designed to draw out, is a very reliable indication of their value in the great majority of classified positions. When these tests are combined with an examination into the practical experience which the competitors have had along lines of work similar to that for which they are seeking employment the best results seem to be obtained. While it is true that the educated man without practical experience is of little value in many positions, yet it is equally true that the man who has the practical experience and also a trained mind is so much more valuable because of this education. For if this deduction is not correct, then our system of public instruction in the United States is all wrong. It is the purpose of our public schools to equip the young men and women in the most practical way for the duties of actual life. Strenuous efforts are being made to better accomplish this end. If our schools are pursuing right methods, should not the examinations include tests of their results? It is readily conceded that neither the schools nor the examinations are by any means perfect, but rapid strides are being made along the line of improvement. The chief examiner would be glad to receive sug-

gestions from any who are interested in the proper tests for the public service. Much valuable assistance has been derived from the suggestions received in the past. It is hoped that they may be freely offered in the future.

### ACCOMMODATIONS FOR EXAMINATIONS.

It is necessary, so far as it can be done, to hold the examinations at points which are convenient for applicants in order to comply with the law. If the places where examinations are held are not reasonably convenient and accessible, the expense at once becomes such a burden that many are deterred from taking them. Congress has provided in the law that local boards of examiners shall be selected from persons in the Federal service at points where examinations are to be held. It also makes it the duty of Federal officers, at places outside of the District of Columbia where examinations are to be held, to allow the reasonable use of public buildings for such examinations and to facilitate them in all proper ways. In very many places, however, the officials are unable to provide rooms suited for the examinations; consequently, it is necessary very frequently to rent rooms and furniture, the expense for which must be kept at the lowest possible point because of the small appropriation which Congress has given the Commission for holding its examinations throughout the country. Because of the strict economy which must be practiced in these expenses, competitors are usually subjected to conditions which are decidedly unfavorable to passing the examinations. In the case of special examinations for technical qualifications it is often necessary to secure as large a number of competitors as possible; consequently, applicants are received as long as papers can be forwarded for their examination, and often the local boards are notified by wire that applicants will be examined before them. In such cases it frequently occurs that the boards are compelled to resort to the most meager and unsatisfactory accommodations.

The application division has been making a careful study of the facilities for examinations, in order, so far as possible, to keep the expenses at a minimum and at the same time to secure the best accommodations for this work. In many cases the result has been to secure the use of school or court rooms or other quarters having better light and ventilation, and containing more space than were obtained in the past. It is suggested that in all cases where local boards have not more than four or five competitors for an examination they should endeavor to arrange with the officials in charge so that they might be examined in the office rooms, with little or no interference with the regular work. In this way it has been possible to examine many competitors without expense and at the same time provide them with satisfactory accommodations.

### LOCAL BOARDS OF EXAMINERS.

On June 30, 1898, the Commission had in the United States 942 local boards of examiners, 34 of which were known as joint boards. These boards are the local representatives of the Commission and should be prepared at all times to give information in regard to examinations and other work of the Commission. Sometimes it is possible for an examiner from Washington to be present and take charge of examinations, but the local boards are unaided in holding about 80 per cent of them. In several of the services local boards have the custody of the lists of eligibles and are required to issue certifications to the nominating officer upon his request for them.

These boards labor under many difficulties in the prosecution of their duties for the Commission. There are few members of local boards who have had an opportunity to become experts in civil-service matters. In many cases they have their full quota of other duties to perform in addition to their civil-service work, so that it must be done during extra hours or left undone. Most boards have few opportunities to discuss civil-service questions with those who are thoroughly informed upon them. Outside of the Commission's reports and the manuals of instruction for competitors, which are issued from time to time, there is practically nothing pub-



lished which is helpful to them in their work. For that reason it is especially valuable for them to be able to consult with those who are skilled in civil-service work. Occasionally it becomes necessary for a local board to perform its work under a superior who does not hesitate to show his antagonism to the merit system. In such cases it is very difficult for the secretary of the board to conscientiously perform his duties without incurring the displeasure of his superior officer. In many cases the facilities for the work of a local board are extremely limited, and while the members of the board are using their utmost endeavors to perform the work in as satisfactory a manner as possible, their efforts are misconstrued and they are charged with placing obstacles in the way of applicants for positions. Perhaps the most serious embarrassment for the majority of local boards is found in the frequent changes in membership. It is estimated that the membership changes, on an average, as often as every five years, so that many of the members do not become sufficiently familiar with their duties to become proficient in them before their successors are designated. They are frequently embarrassed by lack of more detailed instruction and the supplies needed to put them into execution, owing to unavoidable delays at Washington. However, notwithstanding these difficulties, their work is performed in a highly intelligent and conscientious manner and is of the greatest aid to the Commission in carrying out the law.

During the past year twelve joint boards have been organized at the following places: Albany, N. Y.; Alexandria, Va.; Atlanta, Ga.; Belfast, Me.; Boston, Mass.; Bridgeport, Conn.; Cincinnati, Ohio; Covington, Ky.; Newport News, Va.; Omaha, Nebr.; Port Huron, Mich., and Tampa, Fla. The membership of the joint boards is usually more stable than that of other boards. For this reason, and because secretaries of joint boards get more experience and are provided with better facilities for performing their work, they become much better informed in regard to it and render better service to the Commission, to the public, and to their superior officers by reason of it. Joint boards also require a smaller number of members than would be necessary for an equivalent number of separate boards. The Commission's experience with joint boards has in every case been so satisfactory that earnest efforts are being made to extend this plan. It is believed that if the United States could be divided into districts, larger or smaller as necessity may dictate, and joint boards be designated for each district, most of the difficulties of the local boards may be overcome.

### TRAVELING EXAMINERS.

Your attention is most earnestly called to the urgent need of an increase in the appropriation for traveling expenses, so that it may be sufficient to provide for two expert examiners or inspectors whose duty it shall be to instruct the local boards and keep them in closer relations with the Commission's work, and also to make such investigations and perform such other duties in connection therewith as may be assigned to them by the Commission. Congress appropriated for the present year \$7,000 to cover the Commission's expenses for all necessary traveling, including that of examiners acting under the direction of the Commission, and for all expenses of examinations and investigations held elsewhere than at Washington. This appropriation is so small compared with the demands upon the Commission that it is only by the utmost economy that it will cover the expense for such examinations and investigations as are absolutely unavoidable. The result is that this branch of the Commission's work is performed very unsatisfactorily, although it might easily be very greatly improved with a somewhat larger appropriation. Should the appropriation be increased for this purpose, it would enable the Commission to assign two of its most competent examiners to the work of instructing its local boards and provide that each board might be visited and civil-service matters discussed with them as often as once every three years and oftener where necessary.

When it is remembered that it is necessary to instruct these boards for work, much of which is by force of circumstances of a very complicated character, the necessity for traveling examiners who shall be fully equipped for this duty is very appar-

ent. At present these boards must be instructed by mail at long range. There are frequent changes in the boards, and it is highly important that they should be as well informed as possible, in order to perform their duties in a satisfactory manner to their superior officers, as well as to competitors and to the Commission. In the past incorrect information has occasionally been obtained from local boards, which has resulted in much embarrassment, annoyance, and unnecessary expense. The boards in furnishing this information were making the most of their opportunities. It was not their fault that the information was incorrect, but the fault of an appropriation which would not permit of their being kept better informed as to their work as members of the local boards.

In local offices the Commission has always found it of great benefit to consult personally with the officials in charge, especially if they have been recently appointed. The great variety of questions arising under the civil-service law and rules is sometimes very perplexing to local officials, and a visit from a well-informed representative of the Commission is of much benefit in disposing of them. This plan would also tend to better inform the public as to the object and work of the Civil Service Commission. It has been my experience that most of the opposition to the merit system has arisen from honest ignorance concerning it. It is believed that if this plan could be adopted it would dispel much of this ignorance. The Commission could, through this medium, exchange views with the officials in all parts of the country, and would certainly be enabled to correct many of the mistakes which are now prevalent in its work by reason of insufficient information. There is no doubt that the work of the Commission is many times criticised, and justly so, as not meeting the demands upon it. With the better facilities for understanding these demands which this plan would furnish, the Commission would be able to remove most, if not all, of the causes of the unfavorable criticism. It could also more promptly, economically, and satisfactorily investigate cases of alleged violation or nonobservance of the law and rules. Prompt action in such cases is many times more beneficial than more exhaustive attention after long delay.

A careful estimate has been made of the amount of additional expense which would be necessitated by this plan. The Commission has asked that its appropriation for traveling expenses be made \$10,000, in order to cover the increase in work of this character which has arisen with the extension of the classification. It is believed that an additional \$2,000 will cover all of the expense which will be incurred by the plan proposed and that the advantage to the service will be vastly more than that. The importance of this branch of work for the Commission may be compared with that of the post-office inspectors for the Post-Office Department. No one will deny that their work is of the greatest importance both in the interests of economy and of good service. It is equally certain that the result of the plan proposed, if adopted, would be fully as important in economy and in promoting the best interests of the service.

#### FAILURE IN EXAMINATIONS.

The question is frequently asked why competitors who are supposed to be thoroughly qualified fail in examinations. In endeavoring to find a satisfactory answer the following have been selected as the principal causes of failure in the Commission's examinations:

First. Because the competitors are not qualified to pass the examinations which they have selected. Some competitors have never had the preliminary training which would qualify them to pass, while others may have had the theory but have not clinched it by practice.

Second. Many competitors fail in examinations for want of attention to the directions given for performing the work.

Third. Carelessness in performing the work required is the cause of failure in many instances.

Fourth. Another cause for failure is the natural nervousness which most people feel when they are placed in direct competition with others and are striving for an important object.

The conditions surrounding competitors are not designed to be most helpful to them. While the Commission does not endeavor to add to the embarrassment of the competitor in his examination, yet it is believed that the tests are more practical where the conditions require competitors to exert their best efforts in order to satisfactorily complete their work, as the work which is to be performed after appointment must be done under conditions that are far from perfect.

Those who have failed in examination frequently complain that the tests require a too severe physical and mental strain, and that they were so exhausted that they were unable to do themselves justice. The question of endurance tests has been carefully considered, and the examinations have been so arranged as to allow ample time for the work, provided the competitor is proficient in it. The examination is also planned so that those who are physically incapable of performing the work can not hope to take the examination successfully, as it is the opinion of the Commission that every classified employee of the Government should be able, under any ordinary circumstances, to perform a fair day's work.

### PROSPECTS OF APPOINTMENT.

Many inquiries are received from prospective applicants as to what examinations they should take in order to be sure of appointment. It should be remembered that the mere passing of an examination does not by any means insure appointment. Each competitor should carefully study the scope and character of the different examinations in order to determine which he may hope to pass. Then he should endeavor to determine from the Commission's published statistics from which of those he may most reasonably expect appointment. All applicants should remember that those standing highest in the examinations are first certified. Probably the largest percentage of appointments to competitors is made from the examinations where special ability in some special line is tested, which may be in some scientific direction or that acquired in the shop, the factory, or the technical school. The few preference claimants who pass the examinations do not materially affect the prospects of appointment of other eligibles.

### TEMPORARY APPOINTMENTS.

During the past year a large number of temporary appointments were made to positions in the classified service. Most of these were undoubtedly caused by exigencies arising from the war with Spain. A considerable number of such appointments were made to positions for which the work was of short duration. Quite a number of temporary positions were filled by certification from the Commission's registers, although in a number of cases the temporary character of the work and the smallness of the compensation did not prove sufficiently attractive to induce eligibles to accept them. Undoubtedly there were cases where temporary appointments were made solely on account of the desire to distribute patronage, and because the conditions made it possible under the rules to secure such appointments for a limited time. Comparatively few of the temporary appointments for any length of service were necessitated by the fact that the Commission was unable to supply suitable eligibles to fill the positions. In such cases special examinations were held to secure eligibles for certification. Undoubtedly a few temporary appointments in the regular service will always be necessary, because the Commission can not with economy maintain registers of eligibles for all of the great variety of positions included within the classified service. Vacancies in many of the technical classes of employees occur so rarely, that examinations are only held when such vacancies are either in existence or anticipated in the near future.

If the officials of the different branches of the service would cooperate with the Commission in this matter the number of such appointments would be much reduced except in emergencies. Unless the person temporarily appointed is thoroughly qualified for the work, the Government is at the expense of instructing him in the duties of the position only to find that he is unable to hold his own in the examination, and another must be appointed. This, of course, does not hold true of those positions which are merely for emergency work, as in such cases the position expires when the work is completed, and there is no reason to replace the temporary appointee. The experience of the Commission in the matter of temporary appointments would seem to justify the conclusion that no such appointments should be made for regular positions where it is possible to avoid them. In every case where temporary appointment is necessary the temporary experience is of practically no advantage in the examination to secure eligibles for certification, as the Commission is prepared to certify at any time for positions which do not require exceptional or technical ability. Where such ability is required it can only be had from years of experience, and the temporary appointees, unless they have had such experience before appointment, can not hope to be successful in these examinations. It should be distinctly understood that the Commission is not a party to any scheme which may be devised for the purpose of securing "a place" in the classified service for any particular individual. While it is true that a considerable number of temporary appointees have been able to attain marks in special examinations high enough to secure certification and appointment through them, it is because they have demonstrated that they are fully qualified for the positions for which the examinations were held, and not because the Commission has given them any extra consideration for their temporary service.

The mere fact that a person has held a position temporarily can not in any way be considered as entitling him to different treatment from that accorded the other competitors in the examination. Of course if the temporary appointee is the best qualified man who competes for the position, it is but just that it should be given to him. It is a noteworthy fact that since it has been necessary for the temporary appointees to enter the open competition with others for appointment to regular duty, either the Departments have been more careful in the selection of their temporary appointees or there has been more hesitancy to accept such appointments unless the persons so appointed were well qualified for the positions to which appointed. Great care is always exercised in preparing examinations for such positions in order that the qualifications demanded by the Departments may be thoroughly and carefully tested. In order to meet more satisfactorily the demands of the service for eligibles with exceptional and extraordinary qualifications, a plan has been under consideration for some time, which it is hoped may be eventually perfected, that will provide for what may be called "progressive examinations." This plan contemplates the establishment of series of examinations which will enable all competitors to qualify on as many different lines of work as possible, and that eligibility shall be advanced step by step from lower to higher registers as fast as the applicant can qualify. Such eligibles may be certified for any of the positions for which they have qualified so long as they remain eligible on the most advanced registers. It is believed that in this way the Commission will be prepared at all times to make full certifications for any vacancies that may reasonably be expected to occur in the public service.

#### PREFERENCE CLAIMANTS IN EXAMINATIONS.

In accordance with the provisions of section 1751, United States Revised Statutes, and clause 2, Civil Service Rule VII, the names of all competitors in examinations who were honorably discharged from the military or naval service by reason of disability resulting from wounds or sickness incurred in the line of duty, who attain an average percentage of 65 or better, are placed, in the order of their average per-

centages, at the head of the proper register of eligibles. Applicants who are entitled to this preference are also exempt from the requirements as to age limitations. It has been frequently urged that because of this preference the eligibles obtained should be required before appointment to establish their physical ability for the performance of any work for which they may be selected. This matter is now left for the appointing officer to determine. Occasionally it is asserted that requisitions are less frequently made upon the Commission because of the fear that they would result in the certification of preference claimants who would not be fully competent for the work required of them. While this fear may have lessened the requisitions for certification from some of the departments, it does not appear that it is a valid objection to filling positions through certification, because during the year 356 persons were reinstated under the military proviso of reinstatement Rule IX, of whom but 23 had been appointed through the examinations of the Commission. Another reason is that but few persons entitled to this preference compete in the examinations. During the past year there were only 109 for all branches of the departmental and Government printing services. Of this number 71, or over 65 per cent, passed the examinations with an average in excess of 70 per cent, and but 10 passed with an average between 65 and 70, while but 28, or 25 per cent of the whole number, failed to obtain 65 per cent, notwithstanding that among the number were several competitors in scientific or technical examinations. The highest average attained by any of these preference claimants was 94.70 per cent, which is an exceptionally high mark. Of the 109 preference claimants who competed in examinations during the year, 12 made an average of over 90 per cent. This compares very favorably, indeed, with the result in the general competition among those who are not preference claimants.

It should be remembered that the preference claimants are not necessarily old men, the youngest preference eligible during the past year being 19 years of age, and 16 of them less than 35 years of age. The average age of all the preference eligibles during the past year was 48.2. It is frequently urged that this preference in civil-service examinations should be accorded only to such soldiers and sailors as incurred their disability during actual hostilities, the reason assigned being that in times of peace the soldier and sailor are not subjected to any hardship or peril that would justify according them exceptional treatment. The question of extending the provisions of section 1754, Revised Statutes, to all honorably discharged soldiers has been discussed for some time. A bill for the purpose of granting additional claims to preference is now pending before the House of Representatives, having passed the Senate at the last session of Congress, and if passed will result in very largely increasing the number of preference eligibles on the Commission's registers. During the past year the names of 103 preference claimants were certified for appointment in the departmental service by the Commission, and 15 were appointed. During the same period, as before stated, 356 honorably discharged soldiers or sailors, their widows, and army nurses were reinstated to the classified service, of whom 23 originally entered the service through the examinations of the Commission.

### STATISTICS.

In the appendix to this report will be found the usual statistical tables.

These tables show that 953 independent examinations were held for the departmental service during the year, of which 411 were regularly scheduled and 542 were specially held to supply the needs of the service. No examinations of either class were held in Alaska during the year. The number of competitors examined for original entrance to the service were: Departmental branch, 22,263, of which 5,140 were noneducational; Government printing service, 547, of which 1 was noneducational; post-office service, 14,891; customs service, 4,772, of which 10 were noneducational; internal-revenue service, 2,309; total, 44,782. Eight hundred and eighty persons already in the classified service were examined for promotion during the year, and



74 for transfer. During the same period 220 competitors were examined for the Commissioners of the District of Columbia, making a grand total of competitors in the Commission's examinations during the year of 45,932. There were 329 examinations held during the year in which there were less than 4 competitors, 277 of which were for the post-office service.

In concluding this report I desire to call the attention of the Commission to the fact that under a decision of the Comptroller of the Treasury, dated November 12, 1898, no funds can be used for the purchase of books of any kind for the work of the examining division unless the amount be specifically appropriated for that purpose by Congress. In view of this decision it seems specially important at this time that attention should be called to the fact that the Commission has practically nothing of this kind for the purpose of assisting its examiners in the preparation of tests for the great variety of examinations which are held, and for consultation while grading the answers submitted by the competitors. For years the different examiners have depended largely upon their own private libraries and such works of reference as could be borrowed from the different departments, from the public libraries, and from private sources. It does not seem fair, either to the competitors or to the examiners who are obliged to perform this important part of the Commission's work, that they should be compelled to do it without being supplied with books of reference which can be at hand for immediate consultation as the different questions arise. The amount of time wasted in search of these works has already cost the Government many times more than would fully equip the Commission with everything that is needed for this purpose. Because its importance has been so often and so emphatically impressed upon my attention, I most earnestly recommend that the Commission should endeavor to secure an appropriation of not less than \$1,000, to be immediately available as a beginning for this very important adjunct to its equipment. I am sure that the most casual investigation by the appropriation committees of Congress will satisfy them that it is of the greatest importance to grant the amount asked for this purpose.

It gives me pleasure to acknowledge in this formal manner the faithful and efficient service which has been rendered by the members of the Commission's force, those detailed from the departments to assist in the Commission's work, and by the members of the local boards of examiners during the year. While the amount of work to be disposed of has been extremely heavy, and much of it of a very trying and exacting character, it has been performed with the greatest cheerfulness and efficiency on the part of those to whom it has been intrusted. I desire to specially commend those who rendered such valuable assistance on several occasions during the year when emergency work demanded the expenditure of every available effort.

All of which is respectfully submitted.

Very respectfully,

A. R. SERVEN,  
*Chief Examiner.*

NOVEMBER 29, 1898.

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## **PART X.**

### **STATISTICAL INFORMATION.**



## PART X.—STATISTICAL INFORMATION.

**TABLE 1.**—*The number of examinations held in each State and Territory for the Departmental and Government Printing services during the year ended June 30, 1898.*

State or Territory.	Sched- uled.	Special.	Total.
Alabama .....	5	10	15
Alaska .....			
Arizona .....	2		2
Arkansas .....	8	1	9
California .....	14	15	29
Colorado .....	10	11	21
Connecticut .....	4	10	14
Delaware .....	2	1	3
District of Columbia .....	26	52	78
Florida .....	6	2	8
Georgia .....	8	10	18
Idaho .....	2	2	4
Illinois .....	12	28	40
Indiana .....	11	17	28
Indian Territory .....		1	1
Iowa .....	12	10	22
Kansas .....	11	12	23
Kentucky .....	6	17	23
Louisiana .....	6	10	16
Maine .....	6	9	15
Maryland .....	2	17	19
Massachusetts .....	8	23	31
Michigan .....	14	22	36
Minnesota .....	12	10	22
Mississippi .....	6	4	10
Missouri .....	16	23	39
Montana .....	9	1	10
Nebraska .....	10	10	20
Nevada .....	2	1	3
New Hampshire .....	4	1	5
New Jersey .....	2	1	3
New Mexico .....	4	1	5
New York .....	22	55	77
North Carolina .....	7	6	13
North Dakota .....	6		6
Ohio .....	16	29	45
Oklahoma .....	4	3	7
Oregon .....	6	11	17
Pennsylvania .....	16	33	49
Rhode Island .....	4	5	9
South Carolina .....	6	6	12
South Dakota .....	10	2	12
Tennessee .....	14	13	27
Texas .....	16	6	22
Utah .....	4	1	5
Vermont .....	6	4	10
Virginia .....	6	12	18
Washington .....	8	10	18
West Virginia .....	6	2	8
Wisconsin .....	10	8	18
Wyoming .....	4	4	8
<b>Total .....</b>	<b>411</b>	<b>542</b>	<b>953</b>

TABLE 2.—Showing the number of examinations held for the Departmental (including and the number that passed and that failed in each State

State or Territory.		Number of examinations.	Departmental service.											
			Clerk.					Specials.					Railway mail.	
			Passed.		Failed.		Total.	Passed.		Failed.		Total.		
			Male.	Female.	Male.	Female.		Male.	Female.	Male.	Female.			
1	Alabama	15	13	1	0	20	43	2	38	2	85	23	11	37
2	Alaska													
3	Arizona	2			1		0	1	1		8	1		
4	Arkansas	9	10	1	1	13	17		13	1	31	25	5	31
5	California	29	18	7	4	31	158	173	48	15	394	352	9	161
6	Colorado	21	24	31	5	10	39	1	29	3	63	39	10	49
7	Connecticut	14	10	2	1		27	2	39		59	62	5	67
8	Delaware	3	3	2	1		21	2	7	3	33	12	6	18
9	District of Columbia	78	117	117	36	29	887	1,310	351	167	2,715	44	9	52
10	Florida	8	3	1			14		4		18	24	10	34
11	Georgia	18	12	4	3	3	43	1	32	2	78	62	55	117
12	Idaho	4	2	3			4	3		2	9	7	1	8
13	Illinois	40	38	13	20	11	178	164	168	341	851	361	62	363
14	Indiana	28	30	9	19	9	95	48	98	120	361	227	54	241
15	Indian Territory	1					1							
16	Iowa	22	27	13	5	5	65	62	53	106	286	194	34	122
17	Kansas	23	31	8	8	1	53	2	54	2	111	72	9	71
18	Kentucky	23	19	3	7	2	77	4	102	7	190	28	19	45
19	Louisiana	16	9		4	1	36	2	35	2	75	20	19	37
20	Maine	15	7	1	3		61		17	2	80	34	5	39
21	Maryland	19	14	21	10	8	89	31	25	5	150	42	33	61
22	Massachusetts	31	33	17	10	2	231	35	162	69	497	180	31	131
23	Michigan	26	20	9	0	3	221	12	138	5	376	175	25	200
24	Minnesota	22	14	3	1	2	41	13	32	5	91	101	15	116
25	Mississippi	10	2	1	3	1	15		18		33	29	15	44
26	Missouri	39	40	10	16	2	155	167	157	247	726	205	43	248
27	Montana	10	5				17	3	12		32	10	8	18
28	Nebraska	20	18	6	5		53	48	88	94	253	96	10	106
29	Nevada	3					8		3		11	6		6
30	New Hampshire	5	3	2			9	3	13		25	20		23
31	New Jersey	3	7	2	2		74	1	15		90	35	7	42
32	New Mexico	5	2		1	1	1	1	2		4	1	1	3
33	New York	77	89	66	31	29	491	26	375	47	939	461	104	565
34	North Carolina	13	9	5	5	1	89	1	25	1	116	35	18	53
35	North Dakota	6	4				2		2		4	17	2	19
36	Ohio	45	62	28	14	7	174	43	167	68	452	300	78	378
37	Oklahoma	7	12	2			19	3	8	4	34	14	2	16
38	Oregon	17	9	4	1	2	43	3	22	4	72	14	6	20
39	Pennsylvania	49	81	33	20	20	256	14	263	23	561	308	62	371
40	Rhode Island	9	5	3	2	1	29	2	31		62	20	4	24
41	South Carolina	12	11	1	2	1	38	5	35	2	89	20	21	41
42	South Dakota	12	7	2	2	1	16	8	9	5	28	31	7	38
43	Tennessee	27	53	8	24	5	80	7	62	8	157	83	44	132
44	Texas	22	17	2	11	1	83	1	52		136	105	28	133
45	Utah	5	11	1	1	1	10	1	3		14	15	3	18
46	Vermont	10	8	3			13	1	7	1	22	19	4	23
47	Virginia	18	8	3	3	1	79	4	62	4	149	42	12	54
48	Washington	18	8	3	1		42	2	21		65	9	2	11
49	West Virginia	8	10	1			20	5	24	5	54	23	13	41
50	Wisconsin	18	14	6	5	5	49	73	37	122	281	121	19	140
51	Wyoming	8	3	15	1	3	7	3	9	5	24	3	4	7
Total		953	952	473	301	1,888	4,279	2,293	2,955	1,490	11,026	3,828	971	4,300



*Railway Mail and Indian) and Government Printing services, the number of competitors and Territory during the fiscal year ended June 30, 1898.*

Departmental service.					Aggregate.	Government printing service.					Summary.					
Indian.						Aggregate.										
Passed.		Failed.		Total.			Passed.		Failed.		Total.	Passed.		Failed.		Aggregate.
Male.	Female.	Male.	Female.				Male.	Female.	Male.	Female.		Male.	Female.	Male.	Female.	
		1		1	143	3				3	82	3	59	2	146	
					12						7	1	4		12	
1	2		1	4	100	4				4	57	3	41	3	104	
5	10	4	4	23	549	5				5	278	190	65	21	554	
	6	5	3	14	196	4				4	108	38	40	16	200	
	1			1	140	4		2		6	103	5	38		146	
					57	5				5	41	4	14	3	62	
4	13	3	5	25	3,092	171	6	10		187	1,223	1,446	449	201	3,279	
					56	6				6	47	1	14		62	
	1	2	1	4	221	2		1		3	119	6	93	6	224	
					22						13	6	1	2	22	
3	5	4	3	15	1,311	12	1			13	532	183	254	355	1,324	
3	5	7	3	18	736	18		3		21	382	62	181	132	757	
					1						1				1	
4	2	3	6	15	579	14				14	304	77	95	117	593	
10	15	3	8	36	276	3				3	169	25	74	11	279	
2	2		2	6	272	4				4	128	9	128	11	276	
		1		1	129	1				1	66	2	59	3	130	
	1			1	131	2				2	104	2	25	2	133	
					267	19	1	1		21	164	53	58	13	288	
1	5		1	7	789	17	1	4		22	471	58	210	72	811	
4	6	3	1	14	631	12		1		13	432	27	176	9	644	
2	8	7	8	25	252	11				11	169	24	55	15	263	
					84						46	1	36	1	84	
13	29	8	15	65	1,107	10				10	423	206	224	264	1,117	
1	2	1		4	59		1			1	33	6	21		60	
5	8	8	5	26	444	4				4	176	62	111	99	448	
					17						14		3		17	
					50	4				4	36	5	13		54	
					147	3				3	123	3	24		150	
	1	2	2	5	15						4	2	6	3	15	
5	12	3	3	23	1,726	69	1	5		75	1,106	105	522	70	1,803	
	1			1	190	1				1	134	7	48	2	191	
					27						23		4		27	
4	6	1	8	19	960	15	2	1	1	19	555	79	261	84	970	
6	10	11	6	33	97						51	15	21	10	97	
4	6	1	6	17	125	1				1	71	13	30	12	126	
5	7	1	4	17	1,103	49		5		54	690	54	357	47	1,157	
		1		1	98	2				2	58	5	38	1	100	
			1	1	137	1				1	70	6	58	4	138	
6	8	7	4	25	113	4				4	64	18	25	10	117	
2	2	2	1	7	386	1		2		3	224	17	134	14	380	
3	3	2	2	10	310	1				1	209	6	93	3	311	
	3	1	1	5	51						36	5	8	2	51	
					56	2				2	42	4	11	1	58	
			2	2	220	4				4	133	7	77	7	224	
3	6		3	12	100	2				2	64	11	24	3	102	
1	1			2	108	3				3	63	7	37	5	111	
4	7	2	3	16	467	4				4	192	86	63	130	471	
	1		1	2	55	1				1	14	19	14	9	56	
101	196	94	113	503	18,210	496	13	35	1	547	9,658	2,974	4,356	1,775	18,763	

NOTE.—In addition to the above, the following sets of papers were canceled: Clerk, 6; specials, 168; Railway Mail, 36; Indian, 1; Government Printing service, 7; total, 218.

Also, 4,047 competitors were examined for positions in the Engineer and Ordnance departments and the Light-House Service. These examinations can not be arranged by States. A list of them will be found in Table 5.

TABLE 3.—Showing the number examined for the Departmental (including Railway Mail) their legal residence, during the

Legal residence.		Departmental service.												
		Clerk.				Specials. <sup>1</sup>				Railway mail.				
		Passed.		Failed.		Passed.		Failed.		Passed.		Failed.		
		Male.	Female.	Male.	Female.	Total.	Male.	Female.	Male.	Female.	Total.	Passed.	Failed.	Total.
1	Alabama .....	16	3	9	....	28	51	11	44	5	111	35	14	49
2	Alaska .....	....	....	....	....	....	....	....	1	....	1	....	....	....
3	Arizona .....	....	....	2	....	2	8	1	....	....	9	2	1	3
4	Arkansas .....	13	1	2	1	17	17	....	14	1	32	29	24	44
5	California .....	19	12	4	2	37	159	178	50	14	401	90	9	99
6	Colorado .....	26	36	6	10	78	42	2	20	7	71	37	12	49
7	Connecticut .....	9	8	2	....	19	33	2	37	1	73	64	4	68
8	Delaware .....	3	2	1	....	6	19	2	15	3	39	9	6	15
9	District of Columbia	2	1	....	....	3	458	962	135	51	1,606	18	3	21
10	Florida .....	5	3	....	1	9	17	....	8	....	25	26	11	37
11	Georgia .....	13	7	4	4	28	54	6	30	6	96	57	54	111
12	Idaho .....	2	4	1	....	7	6	5	4	3	18	9	1	10
13	Illinois .....	51	14	21	13	99	195	196	174	384	949	343	63	406
14	Indiana .....	40	11	18	8	77	109	63	107	123	402	218	57	275
15	Indian Territory ..	1	....	....	....	1	1	....	....	....	1	6	2	8
16	Iowa .....	29	20	9	4	62	81	69	70	101	321	214	35	249
17	Kansas .....	43	12	11	1	67	98	42	91	68	299	88	10	98
18	Kentucky .....	22	5	7	2	36	82	13	113	11	219	35	28	63
19	Louisiana .....	9	1	4	3	17	35	4	36	5	80	17	20	37
20	Maine .....	8	3	4	1	16	65	1	20	3	89	29	4	33
21	Maryland .....	22	27	10	11	70	151	109	67	17	344	48	23	71
22	Massachusetts .....	41	18	11	....	70	237	40	173	70	520	197	32	229
23	Michigan .....	25	19	8	4	56	242	21	140	13	416	181	25	206
24	Minnesota .....	17	4	2	2	25	42	14	30	3	89	98	15	113
25	Mississippi .....	6	3	7	2	18	20	2	24	3	49	36	24	60
26	Missouri .....	29	12	11	1	53	116	104	107	149	476	170	42	212
27	Montana .....	6	....	....	....	6	17	3	14	....	34	11	7	18
28	Nebraska .....	15	6	4	....	25	55	53	73	103	284	63	7	70
29	Nevada .....	....	....	....	....	....	8	....	3	....	11	6	....	6
30	New Hampshire .....	2	4	....	....	6	13	3	12	....	28	23	4	27
31	New Jersey .....	21	8	7	3	39	117	8	51	1	177	93	31	124
32	New Mexico .....	2	....	1	1	4	1	1	1	1	4	....	1	1
33	New York .....	82	71	29	23	205	476	50	355	69	950	383	81	464
34	North Carolina .....	13	5	6	2	26	102	6	37	3	148	39	18	57
35	North Dakota .....	6	....	....	....	6	2	1	3	....	6	17	2	19
36	Ohio .....	77	32	17	11	137	205	56	178	73	512	301	70	371
37	Oklahoma .....	13	2	....	....	15	17	4	13	4	38	13	1	14
38	Oregon .....	8	4	1	2	15	44	2	26	3	75	13	6	19
39	Pennsylvania .....	80	44	24	22	170	300	40	258	34	632	341	65	406
40	Rhode Island .....	6	1	3	1	11	30	2	31	....	63	16	5	21
41	South Carolina .....	14	1	4	1	20	47	7	47	6	107	25	21	46
42	South Dakota .....	7	2	2	2	13	14	10	5	5	34	22	7	29
43	Tennessee .....	54	13	18	5	90	80	17	58	8	163	62	31	93
44	Texas .....	26	5	12	1	44	86	4	61	....	151	111	32	143
45	Utah .....	5	1	1	1	8	8	1	1	....	10	13	3	16
46	Vermont .....	7	4	....	....	11	13	4	9	2	28	18	6	24
47	Virginia .....	22	17	10	6	55	169	84	102	16	371	46	15	61
48	Washington .....	11	3	1	....	15	47	3	22	....	72	9	2	11
49	West Virginia .....	6	2	1	3	12	24	11	29	3	67	29	13	42
50	Wisconsin .....	15	9	5	5	34	58	73	46	122	299	124	21	145
51	Wyoming .....	3	13	1	3	20	8	3	10	5	26	3	3	6
Total .....		952	473	301	162	1,888	4,279	2,293	2,955	1,499	11,026	3,823	971	4,799

NOTE.—In addition to the above, the following sets of papers were canceled: Clerk, 6; specials, 168; Railway Mail, 36; Indian, 1; Government Printing service, 7; total, 218.

Also, 4,047 competitors were examined for positions in the Engineer and Ordnance departments and the Light-House Service. These examinations can not be arranged by legal residence. A list of them will be found in Table 6.

*and Indian) and Government Printing services, the number that passed and that failed, and fiscal year ended June 30, 1898.*

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5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100

<sup>1</sup>See Table 4.



*number that passed and that failed, and their legal residence, during the fiscal year ended 30, 1898.*

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<sup>1</sup> See Table 5.



TABLE 5.—The number who took miscellaneous examinations for the Department of Agriculture and other branches of the Departmental service, the kinds of examination, and the number that passed and that failed during the year ended June 30, 1898.

Kind of examination.	Passed.		Failed.		Total.
	Male.	Female.	Male.	Female.	
<b>Department of Agriculture:</b>					
Assistant .....	16	2	27	2	45
Assistant chief of Division of Soils .....	5	619	1	1,145	1,770
Assistant microscopist .....	44		76		120
Meat inspector .....	71		28		99
Observer (Weather Bureau) .....	32		97		129
Stock examiner .....	284		88		372
Tagger .....					
<b>Total.....</b>	<b>452</b>	<b>621</b>	<b>318</b>	<b>1,147</b>	<b>2,528</b>
<b>Miscellaneous, with educational test:</b>					
Acting assistant surgeon, Marine-Hospital Service .....	16		16		32
Adjuster, Mint and Assay Service .....		160		8	168
Aid, Coast and Geodetic Survey .....	8		6		14
Aid, Department of Biology .....	4		5		9
Apprentice .....	104		5		109
Assistant, Nautical Almanac Office .....	10		7		17
Assistant attorney .....	11		2		13
Assistant custodian .....	13		13		26
Assistant engineer .....	12		17		29
Assistant inspector of ordnance .....	12		34		46
Assistant topographer .....	9		13		22
Assistant Treasury agent, Seal Islands .....	19		30		49
Attendant, Government Hospital for the Insane .....	93	32	50	8	183
Bookkeeper, office of Commissioner of Railroads .....	18		14		32
Buoy colorist .....	2		6		8
Cadet, Revenue-Cutter Service .....	2		15		17
Chief of Division of Library and Archives .....			4		4
Clerk qualified in marine engineering .....			5		5
Computer, Coast and Geodetic Survey .....	1		3		4
Computer, Supervising Architect's Office .....	4	1	3		8
Computer, chief, Supervising Architect's Office .....	6		5		11
Draftsman—					
Qualified in typewriting .....			2		2
Qualified in photography and typewriting .....			1		1
Navy Department .....	1				1
Architectural .....	2		3		5
Assistant, Navy Department .....	3		6		9
Assistant, Bureau of Steam Engineering .....	2				2
Junior architectural .....	4		6		10
Mechanical .....	10		52		62
Mechanical, Ordnance Department .....	4		25		29
Senior architectural .....	2		4		6
Structural iron .....	1				1
Topographic, Coast and Geodetic Survey and Hydrographic Office .....	5		2		7
Topographic, General Land Office .....	6		3		9
Topographic, Geological Survey .....	5		5		10
Dynamo tender .....	3		3		6
Elevator conductor .....	37		38		75
Engineer, custodian service .....	35		51		86
Engineer, departmental service .....	24		14		38
Engineer, Marine-Hospital Service .....	2		3		5
Engineer and electrician .....	1		2		3
Examiner, Mint Bureau .....	14				14
Export computer and geodesist .....	1				1
Fireman .....	219		240		459
Fish culturist .....	30		26		56
Immigrant inspector .....	9		8		17
Inspector of boilers .....	50		4		54
Inspector of hulls .....	47		15		62
Inspector of woolens .....	4		24		28
Interne, Freedman's Hospital .....	1		1		2
Interne, Marine-Hospital Service .....			1		1
Interpreter—					
Finnish .....	1				1
French .....	2		3		5
German .....	7		6		13
Indian languages .....	2				2
Italian .....	7		4		11
Lithuanian .....			1		1
Portuguese .....	1				1
Swedish .....	1				1
<b>Janitor.....</b>	<b>246</b>		<b>28</b>		<b>274</b>

TABLE 5.—The number who took miscellaneous examinations for the Department of Agriculture and other branches of the Departmental service, etc.—Continued.

Kind of examination.	Passed.		Failed.		Total.
	Male.	Female.	Male.	Female.	
Miscellaneous, with educational test—Continued.					
Keeper of aquarium.....	2		5		7
Law clerk.....	10	1	20		31
Map printer.....	1				1
Matron, Freedman's Hospital.....		5		1	6
Melter-carpenter, Mint and Assay Service.....	2		7		9
Messenger.....	276	5	20	1	302
Messenger boy.....	82		3		85
Modern languages—					
Danish.....	4				4
French.....	5	4	5	7	21
German.....	10	1	5	6	22
Italian.....	4	3	2	4	13
Russian.....	1				1
Spanish.....	4	3	1	3	11
Swedish.....	1		2		3
Nautical expert.....	5		8		13
Pharmacist, Freedman's Hospital.....			1		1
Photographer, Naval Observatory.....	2		38		40
Printer.....	5				5
Proof reader.....	3		3		6
Sanitary inspector, Marine-Hospital Service.....	3		5		8
Special agent, Treasury Department.....	15		59		74
Special mechanic.....	8		6		14
Stenographer and typewriter qualified in French.....				1	1
Stenographer and typewriter qualified in Spanish.....		1	1		2
Steward, Marine-Hospital Service.....	17		13		30
Subtreasury—					
Schedule A.....	4				4
Schedule B.....	11		3		14
Schedule C.....	1		1		2
Superintendent of construction.....	20		37		57
Superintendent of Division of Post-Office Supplies.....	2		11		13
Superintendent and head nurse, Freedman's Hospital.....		1		1	2
Supervising Architect.....	6		24		30
Transportation agent.....	2				2
Tracer, Navy Department.....			1		1
Watchman.....	302		145		447
Wireman.....	18		6		24
Total.....	1,959	217	1,464	40	3,680
Miscellaneous, without educational test:					
Baker.....	3	1			4
Blacksmith.....	44				44
Bricklayer.....	1				1
Cabinetmaker.....	10				10
Carpenter.....	102				102
Coachman.....	2				2
Cook.....	6	17			23
Designer.....	1				1
Engineer.....	15		1		16
Engraver, script.....	2		4	1	7
Fireman.....	11				11
Gas fitter.....	3				3
General mechanic.....	2				2
General woodworker.....	1				1
Grinder.....	1				1
Hard-wood finisher.....	1				1
Instrument maker.....	4				4
Laundress.....		10		1	11
Leather worker.....	20				20
Locksmith.....	5				5
Machinist.....	38				38
Miller.....	3				3
Painter.....	17				17
Plasterer.....	3				3
Plate cleaner.....	8		1		9
Plate printer.....	133				133
Plumber.....	88				88
Sailmaker.....	10				10
Sawyer.....	3				3
Steam fitter.....	9				9
Steam fitter's helper.....	10				10
Stonecutter.....	3				3
Surfman.....	526		40		566

TABLE 5.—The number who took miscellaneous examinations for the Department of Agriculture and other branches of the departmental service, etc.—Continued.

Kind of examination.	Passed.		Failed.		Tot.
	Male.	Female.	Male.	Female.	
Miscellaneous, without educational test—Continued.					
Tailor .....	2				
Teamster .....	4				
Tool maker .....	3				
Transferer .....	4		1		
Upholsterer and decorator .....	2				
Wheelwright .....	6				
Total .....	1, 116	28	47	2	1.
Engineer Department at large:					
Assistant blaster .....	6				
Assistant inspector .....	1				
Assistant lock master .....	1				
Assistant rigger .....	1				
Baker .....	3				
Blacksmith .....	82				
Blacksmith's helper .....	18				
Blaster .....	6				
Boatman .....	17		3		
Boiler maker .....	4				
Brakeman .....	9				
Bricklayer .....	15				
Bridge tender .....	1				
Carpenter .....	462		4		
Carpenter and calker .....	7				
Carpenter and diver .....	1				
Carpenter, ship .....	48		2		
Carpenter's helper .....	12				
Calker .....	39				
Cement finisher .....	9				
Cement tester .....	12				
Cement worker .....	3				
Chain man .....	9				
Cook .....	8				
Coppersmith .....	1				
Craneman .....	6		1		
Custodian .....	10				
Deputy inspector and master .....	8				
Deck hand .....	1				
Dipper tender .....	1				
Diver .....	5				
Dredge hand .....	5				
Dredge runner .....	5				
Drill tender .....	4				
Electrical engineer .....	2				
Electrician .....	4				
Engineer, chief .....	6				
Engineer, dredge .....	8		1		
Engineer, locomotive .....	57				
Engineer, stationary .....	52		1		
Engineer, steam vessel .....	57		2		
Fireman .....	23				
Foreman .....	25		3		
Foreman, carpenter .....	5				
Foreman, mason .....	1				
Gauge reader .....	1				
Granite inspector .....	1				
Harbor inspector .....	9				
Inspector .....	183		8		
Janitor .....	2				
Joiner .....	1				
Leadsman .....	6				
Lock hand .....	6				
Lock master .....	8		1		
Lock tender .....	69		3		
Mason, stone and brick .....	70				
Master .....	50				
Master, dredge .....	2				
Master laborer .....	122		2		
Master mason .....	1				
Master quarryman .....	1				
Master stonecutter .....	1				
Master weaver .....	1				
Master workman .....	2				
Master carpenter .....	19		1		

TABLE 5.—The number who took miscellaneous examinations for the Department of Agriculture and other branches of the departmental service, etc.—Continued.

Kind of examination.	Passed.		Failed.		Total.
	Male.	Female.	Male.	Female.	
Engineer Department at large—Continued.					
Master and pilot.....	41	.....	1	.....	42
Machinist.....	48	.....	.....	.....	48
Machinist's helper.....	8	.....	1	.....	9
Mate.....	17	.....	.....	.....	17
Messenger.....	13	.....	2	.....	15
Molder.....	1	.....	.....	.....	1
Motorman.....	121	.....	1	.....	122
Oarsman.....	6	.....	.....	.....	6
Oiler.....	7	.....	1	.....	8
Overseer.....	31	.....	.....	.....	31
Painter.....	30	.....	.....	.....	30
Plasterer.....	5	.....	.....	.....	5
Plasterer and cement finisher.....	13	.....	.....	.....	13
Plasterer and cement worker.....	14	.....	.....	.....	14
Pile driver.....	5	.....	.....	.....	5
Pilot.....	24	.....	1	.....	25
Pipe fitter.....	2	.....	.....	.....	2
Powderman.....	2	.....	.....	.....	2
Quartermaster.....	7	.....	.....	.....	7
Recorder.....	39	.....	.....	.....	39
Rigger.....	6	.....	.....	.....	6
Rodman.....	73	.....	3	.....	76
Rodman and chainman.....	7	.....	.....	.....	7
Sheet-iron worker.....	1	.....	.....	.....	1
Skilled laborer.....	5	.....	.....	.....	5
Seaman.....	2	.....	.....	.....	2
Steam driller.....	23	.....	.....	.....	23
Steersman.....	8	.....	.....	.....	8
Steward.....	4	.....	.....	.....	4
Stonecutter.....	159	.....	.....	.....	159
Subinspector.....	158	.....	18	.....	176
Suboverseer.....	23	.....	.....	.....	23
Switchman.....	1	.....	1	.....	2
Teamster.....	1	.....	.....	.....	1
Telephone and telegraph lineman.....	6	.....	.....	.....	6
Tide recorder.....	1	.....	.....	.....	1
Timekeeper.....	1	.....	.....	.....	1
Tinner.....	1	.....	.....	.....	1
Watchman.....	114	.....	1	.....	115
Watchman and motorman.....	1	.....	.....	.....	1
Weaver.....	5	.....	.....	.....	5
Wireman.....	1	.....	.....	.....	1
Wood finisher.....	2	.....	.....	.....	2
Total.....	2, 692	.....	62	.....	2, 754
Ordnance Department at Large:					
Armorer.....	1	.....	.....	.....	1
Assistant at experimental firings.....	1	.....	.....	.....	1
Blacksmith.....	59	.....	.....	.....	59
Blacksmith and horseshoer.....	6	.....	.....	.....	6
Brass molder.....	7	.....	.....	.....	7
Brazier.....	16	.....	.....	.....	16
Brick and stone mason.....	2	.....	.....	.....	2
Cabinetmaker and woodworker.....	1	.....	.....	.....	1
Carpenter.....	175	.....	.....	.....	175
Cement finisher.....	3	.....	.....	.....	3
Copyist.....	1	.....	.....	.....	1
Core maker.....	4	.....	.....	.....	4
Cranesman.....	1	.....	.....	.....	1
Die sinker.....	3	.....	.....	.....	3
Driller.....	24	.....	.....	.....	24
Drop forger.....	4	.....	.....	.....	4
Engineer, stationary.....	3	.....	.....	.....	3
Engineer, locomotive.....	4	.....	.....	.....	4
Foreman, assistant.....	6	.....	.....	.....	6
Foreman of blacksmiths.....	4	.....	.....	.....	4
Foreman of grounds.....	1	.....	.....	.....	1
Foreman of laborers.....	1	.....	.....	.....	1
Foreman of machinists.....	1	.....	.....	.....	1
Forger.....	10	.....	.....	.....	10
Filer.....	28	.....	.....	.....	28
Grinder.....	2	.....	.....	.....	2
Guard.....	15	.....	.....	.....	15
Harness maker.....	20	.....	.....	.....	20

TABLE 5.—The number who took miscellaneous examinations for the Department of Agriculture and other branches of the Departmental service, etc.—Continued.

Kind of examination.	Passed.		Failed.		Total
	Male.	Female.	Male.	Female.	
Ordnance Department at Large—Continued.					
Inspector.....	8				8
Iron molder .....	1				1
Lineman .....	1				1
Machinist .....	451				451
Mechanic.....	31				31
Melter.....	1				1
Messenger .....	1				1
Motorman.....	1				1
Molder .....	3				3
Molder, loam.....	2				2
Molder, sand.....	22				22
Painter .....	34				34
Pattern maker .....	10				10
Plasterer and concrete worker .....	7				7
Plumber .....	5				5
Polisher.....	38				38
Profiler.....	34				34
Reamer.....	4				4
Screw maker .....	1				1
Skilled laborer .....	1				1
Steam fitter .....	1				1
Stock shaper .....	20				20
Tailor .....	10				10
Temperer .....	1				1
Tinsmith.....	17				17
Tool maker.....	37				37
Turner .....	2				2
Watchman .....	11				11
Wheelwright.....	1				1
Total.....	1,150				1,150
Light-House Service:					
Assistant engineer.....	2				2
Keeper .....	117				117
Master .....	3				3
Mate .....	12				12
Total.....	134				134



TABLE 6.—Showing the number who took examination  
for departmental service under the  
act of March 3, 1878, and their legal

d in the

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	Legal residence.	Passed.		Failed.	Total.	Male.	Female.	Total.	Male.	Female.	Total.	Male.	Female.	Total.	Male.	Female.	Total.	Male.	Female.	Total.
		Male.	Female.																	
1	Alabama.....	1			1															
2	Alaska.....																			
3	Arizona.....																			
4	Arkansas.....																			
5	California.....	2	1		3				1											
6	Colorado.....	2	1		3															
7	Connecticut.....	2			2				1											
8	Delaware.....																			
9	District of Columbia.....																			
10	Florida.....																			
11	Georgia.....																			
12	Idaho.....																			
13	Illinois.....	2			2				4											
14	Indiana.....	2			2															
15	Indian Territory.....																			
16	Iowa.....	2			2															
17	Kansas.....	1	3		4															
18	Kentucky.....	2			2				1											
19	Louisiana.....																			
20	Maine.....																			
21	Maryland.....	11			11				4											
22	Massachusetts.....																			
23	Michigan.....	1			1															
24	Minnesota.....	1			1															
25	Mississippi.....																			
26	Missouri.....								1											
27	Montana.....																			

TABLE 7.—Showing the number examined for the Indian service, the number that passed and that failed, and their legal residences, during the fiscal year ended June 30, 1898.

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a See also Table 10.









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TABLE 11.—*The number examined for promotion in the custom-house service under the provisions of Rule XI, and the number that passed and that failed during the year ended June 30, 1898.*

Location of office.	Passed.	Failed.	Total.
Boston, Mass.....		1	1
Cincinnati, Ohio.....	1	1	2
El Paso, Tex.....	1		1
New Orleans, La.....	1	1	2
New York, N. Y.....	489	67	556
Philadelphia, Pa.....	1		1
San Francisco, Cal.....	4	1	5
Total.....	497	71	568

**TABLE 12.**—*Showing the number examined for the Internal-Revenue Service, and the number that passed and that failed, for the fiscal year ended June 30, 1898.*

Location of office.	Internal revenue.			Stenography.			Typewriting.			Aggregate.
	Passed.		Failed.	Passed.		Failed.	Passed.		Failed.	
	Male.	Female.		Male.	Female.		Male.	Female.		
Albany, N. Y.	7		7	14	2	14	21			21
Alexandria, Va.	7		7	2		2	9			9
Asheville, N. C.										
Stateville, N. C.	43	1	49	84	2	86				135
Atlanta, Ga.	14		14	36	1	37				51
Austin, Tex.	5		5	2		2				7
Baltimore, Md.	11		11	25		25				36
Birmingham, Ala.	11		11	40		40				51
Boston, Mass.	22	3	25	19	1	20	5	6	11	71
Brooklyn, N. Y.	13	3	16	20		30				40
Burlington, Iowa.	1	1	2	1	1	2				4
Cairo, Ill.										
Camden, N. J.	1		1	2		2				3
Chicago, Ill.	40	6	46	125	5	130				176
Chillicothe, Ohio	10		10	7	2	9				19
Cincinnati, Ohio	23		23	24		24				47
Cleveland, Ohio	15	1	16	6		5				31
Columbia, S. C.	2		2	14		11				19
Covington, Ky.	18		18	22		22				40
Dallas, Tex.	8		8	6		6				14
Danville, Ky.	40		42	28	1	29				71
Denver, Colo.	7		7	5		5				12
Detroit, Mich.	7		7	8		8				15
Dubuque, Iowa.	2		2	2		2				4
East St. Louis, Ill.	5		5	7		7				12
Grand Rapids, Mich.	8		8	1		1				13
Hartford, Conn.	16		16	3		3				19
Helena, Mont.	1		1							1
Jacksonville, Fla.	3		3							6
Kansas City, Mo.	12		12	10		10				22
Knoxville, Tenn.	43		43	54		54				97
Lancaster, Pa.	24		24	44		44	4	6	10	86
Lawrenceburg, Ind.	23		23	10		10				33
Leavenworth, Kans.	1		1	3		3				4
Lexington, Ky.	14		14	14		14				28
Little Rock, Ark.	10		10	7		7				17
Louisville, Ky.	47		50	51	1	51				102

TABLE 12.—Showing the number examined for the Internal-Revenue Service, and the number that passed and that failed, for the fiscal year ended June 30, 1898.—Continued.

Location of office.	Internal revenue. <sup>1</sup>			Stenography.			Typewriting.			Aggregate.									
	Passed.		Failed.	Passed.		Failed.	Passed.		Failed.										
	Male.	Female.		Male.	Female.		Male.	Female.			Male.	Female.							
Lynchburg, Va.	10	1	11	23							24								
Madison, Wis.	5		5	2							7								
Milwaukee, Wis.	18		18	26	1						45								
Nashville, Tenn.	23		23	55			1			1	80								
Newark, N. J.	2		2	11							13								
New Orleans, La.				2							2								
New York, N. Y., Second District	9		0	12							21								
New York, N. Y., Third District	13		12	45							57								
Omaha, Nebr.	17		17	13	1	7	1	8	3	4	47								
Owensboro, Ky.	21	3	24	22	1						47								
Parkersburg, W. Va.	3	2	5	3							8								
Peoria, Ill.	17		17	15							32								
Philadelphia, Pa.	32	3	34	44							78								
Pittsburg, Pa.	49	1	50	77	10						137								
Portland, Oreg.	8	1	9	7							16								
Portsmouth, N. H.	3		8	4							7								
Raleigh, N. C.	4		4	18							22								
Richmond, Va.	5	1	6	13							19								
Rochester, N. Y.	10		10	5							15								
Sacramento, Cal.	4	1	5								5								
Santa Fe, N. Mex.																			
St. Louis, Mo.	10		10	19			2	2	16	1	65								
St. Paul, Minn.	5	2	7	8	1						10								
San Francisco, Cal.	20	2	22	21	4	9	3	3	13	6	100								
Scranton, Pa.	6		6	7							13								
Springfield, Ill.	19	1	20	20	2	1	1	1	1	2	57								
Syracuse, N. Y.	6		6	10							16								
Terre Haute, Ind.	18		18	11							29								
Toledo, Ohio.	9		9	8							17								
Total	864	37	911	1,214	36	1,250	1	8	9	26	43	68	3	11	14	23	44	67	2,300

<sup>1</sup> This examination was given for the positions of clerk, deputy collector, gauger, messenger, storekeeper, and storekeeper gauger.

TABLE 13.—The number examined for the Post-Office Service, and the number that passed and that failed, during the year ended June 30, 1898.

	Clerk.	Carrier.	Summary.
Location of office			
ALABAMA.			
Anniston .....			
Birmingham .....			
Huntsville .....			
Mobile .....			
Montgomery .....			
Selma .....			
Total.....			
ARIZONA			
Phoenix .....			
ARKANSAS.			
Fort Smith.....			
Hot Springs .....			
Little Rock .....			
Pine Bluff .....			
Texarkana .....			
Total.....			
CALIFORNIA.			
Alameda .....			
Benicia .....			
Berkeley .....			
Eureka .....			
Fresno .....			
Los Angeles .....			
Marysville .....			
Napa.....			
Oakland.....			
Pasadena .....			
Pomona .....			
Redlands.....			
Riverdale .....			
Sacramento .....			
San Bernardino .....			
San Diego .....			
San Francisco.....			
San Jose .....			
Santa Barbara .....			
Santa Cruz .....			
Santa Rosa.....			
Stockton .....			
Total.....			
COLORADO.			
Aspen.....			
Boulder .....			
Colorado Springs..			
Cripple Creek.....			
Denver.....			
Greoley .....			
Leadville .....			
Pueblo .....			
Trinidad .....			
Total.....			
CONNECTICUT.			
Ansonia .....			
Bridgeport .....			
Bristol .....			
Danbury .....			
Derby.....			
Hartford .....			
Meriden.....			



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TABLE 13.—The number examined for the Post-Office Service, and the number that passed and that failed, during the year ended June 30, 1898.—Continued.

Location of office.	Clerk.							Carrier.			Summary.		
	Number.	Male.	Female.	Number.	Male.	Female.	Total.	Passed.	Failed.	Total.	Passed.	Failed.	Average.
<b>CONNECTICUT—con d.</b>													
Middletown								1	3	4	1	3	4
New Britain	1	1					1	2	2	4	3	2	5
New Haven	10	5	5	5	4	1	15	15	6	21	25	11	36
New London	1	1									1		1
Norwalk													
Norwich	4	4		1				1	1	4	2		8
Rockville													
South Norwalk	4	4						1	1	4	1		5
Stamford	1	1		1				2	2	1	3		4
Torrington	4	3	1	3						4	3		7
Wallingford													
Waterbury	3	3		1				1	2	4	2		6
Willimantic	1	1		2						1	2		3
Total	55	35	20	25				38	79	26	63		150
<b>DELAWARE.</b>													
Wilmington	12	12		4	4			3	7	16	7		23
<b>DISTRICT OF COLUMBIA.</b>													
Washington	85	72	13	20	19	1	105	45	44	89	130	64	194
<b>FLORIDA.</b>													
Jacksonville	2	2		7	7		9	4	14	18	6	21	37
Key West	3	2	1	1		1	4		8	8	3	9	12
Pensacola	5	4	1	4	3	1	9		3	8	5	7	13
Tampa	10	2	8	2	1	1	12		3	3	10	5	15
Total	20	10	10	14	11	3	34	4	28	32	24	42	66
<b>GEORGIA.</b>													
Americus	4	4		2	2		6		1	1	4	3	7
Athens	1	1		2	2		3	2	4	6	3	8	9
Atlanta	9	6	3	8	6		15	19	20	48	28	35	63
Augusta	1	1		1	1		2		3	8	1	4	5
Brunswick								2		2	2		3
Columbus	9	7	2	4	4		13	4	17	21	13	21	34
Macon	3	3		3	3		6		3	3	3	3	9
Rome	1	1		2	2		3		4	4	1	6	7
Savannah	3	2		3	3		5		5	5	2	8	10
Total	30	25	5	23	23		53	27	68	83	57	69	140
<b>IDaho.</b>													
Boise City	2	1	1				2	1		1	3		3
<b>ILLINOIS.</b>													
Alton													
Aurora				2	2		2	1	3	4	1	5	8
Austin	2	1	1				2	1	3	4	3	3	6
Belleville													
Belvidere	2	2					2	2		2	4		4
Bloomington	3	2	1				3	1	1	2	4	1	5
Carro	2	1	1	3	1	2	5	1	4	5	3	7	10
Canton	4	2	2				4	1		1	5		5
Champaign	5	1	4				5	3	6	9	8	6	14
Chicago	364	248	116	150	131	19	514	188	186	374	553	338	891
Danville	4	4					4		1	1	4	1	5
Decatur	2	2		1	1		3	8	2	10	10	3	13
Dixon	1	1					1		2	2	1	2	3
East St. Louis	2	2					2	2	1	3	4	1	5
Elgin	6	4	2				8	2	1	3	8	1	9
Evanston	8	4	4				8	5	10	15	13	10	23
Freeport	3	2	1	1	1		4	3		3	6	1	7
Galesburg	7	3	4				7	4	2	6	11	2	13
Jacksonville								2		2	2		2
Joliet	1	1					1				1		1
Kaukaee	1	1		4	3	1	5				1	4	5

E 13.—The number examined for the Post-Office Service, and the number that passed and that failed, during the year ended June 30, 1898—Continued.

Location of office.	Clerk.			Carrier.			Summary.		
	Passed.	Failed.		Passed.	Failed.				
	Number.	Male.	Female.	Total.	Passed.	Failed.	Total.		
Miss—continued.									
le									
du						1	1		
mb									
son					1		1		
to	9	1		10	3	2	4		
nouth					3	3	6		
ark						1	1		
ca	3			3	1	1	2		
	5	2		7	1	2	3		
	4	1	1	6		1	1		
a	2	1		3	2		3		
ac					1		1		
cy	7	2	1	10	3	1	4		
ford	4	1		5	3	5	8		
Island	3			3	1		1		
gthel	1	1		2	2		2		
ag	2			2	2		2		
tor	5			5	1	3	4		
na	2			2	1	1	2		
egan					1	1	2		
Total.....	464	148	24	172	250	244	494		
INDIANA.									
ason	3			3	2		2		
a									
ington									
mbus	1			1		1	1		
-raville									
fortsville	2		2	4	1	2	3		
rt	6	1		7	3	3	6		
ol	4	4		8	34	17	51		
eville	8	4	1	13	2	8	10		
Wayne	3	3		6	5	7	12	8	10
fort	1			1	1	3	4	2	18
n						1	1		5
nond		3		3		2	2		1
ngton	3			3				3	4
napolis	34	9		43	55	30	85	39	128
sonville						2	2	2	3
mo.					2		2	2	2
ette	4	3	2	9	2	2	4	6	13
te	1	1		1				1	1
sport					3	4	7	3	7
ou	3	2	1	6	3	2	5	0	10
o	2	1	1	4	2	1	3	4	6
gan City						1	1		1
ie					3	5	8	3	18
Albany	6	3	3	10	3	3	6	8	18
					3		3	3	3
and	8	2	0	10	3	1	4	11	13
yville	1	1		2	1	1	2	2	4
Bend	5	5		10	3	1	4	8	12
Haute	5	5		10	1	2	3	6	9
raiso		2	2	4	1	1	2	1	4
unes	3	3		6	2		2	4	4
sh	2			2	1	1	2	3	6
ington	3	2	1	6	19	14	33	22	37
Total.....	197	81	26	107	151	114	265	258	423
IOWA.									
tle	2	1	1	2				2	2
	3	2	1	3	20	14	40	29	43
igton									
Falls	1	1		1				1	1
Rapids	3	2	1	3	1	1	2	4	5
n	3	1	1	3	3	1	4	5	6
il Bluffs	2	1	1	2	2	3	5	4	8
n									
port	3	3		6	4	2	6	7	11
sh	4			4	1	2	3	5	18

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TABLE 13.—The number examined for the Post-Office Service, and the number that passed and that failed, during the year ended June 30, 1898.—Continued.

Location of office.	Clerk.						Carrier.					
	Passed.			Failed.						SPECIAL.		
	Number.	Male.	Female.	Number.	Male.	Female.	Total.	Passed.	Failed.	Total.	Passed.	Failed.
IOWA—continued.												
Des Moines	20	11	9	2	2		22	19	10	29	39	12
Dubuque	1	1					1	1		1	1	
Fairfield	2	1	1				3	8	5	13	10	3
Fort Dodge	2	2					2		1	1	1	1
Fort Madison				2	1	1	2		1	1		2
Grinnell				1	1		1		1	1		
Independence												
Iowa City				1	1		1				1	
Keokuk	1	1		2	1	1	3	1		1	2	1
Marshalltown				1		1	1				1	1
Mason City	1	1					1	2		2	3	
Mount Pleasant	1	1					1	2		2	3	
Muscatine								3	5	8	2	5
Oskaloosa	1	1		2	1	1	3	6	1	7	1	3
Ottumwa	4	1	3	1		1	5	1	1	2	5	2
Red Oak	1	1					1	23	11	34	24	11
Sioux City	4	3	1				4				4	
Waterloo	4	4		1	1		5	1	1	2	5	2
Total	62	39	23	20	12	8	82	104	60	164	166	80
KANSAS.												
Abilene	1		1				1				1	
Arkansas City	1		1				1	2	1	3	3	1
Atchison	2	1	1				2	2	1	3	4	1
Emporia	5	2	3	1	1		6		1	1	5	2
Fort Scott	1		1				1	1		1	2	
Hutchinson	4	1	3	3	3		7	1	1	2	5	4
Kansas City	2		2				2	2	2	4	4	2
Lawrence	1	1		1	1		2	2	1	3	3	2
Leavenworth	1		1	1		1	2	1		1	2	1
Newton	2	1	1	1		1	3				2	1
Ottawa	2	1	1				2	4		4	6	
Parsons				1	1		1	2	1	3	2	2
Pittsburg				1	1		1	29	13	42	29	14
Salina	1	1					1				1	
Topeka	21	18	3	2	2		23	4	3	7	25	5
Wellington												
Wichita	2	2					2	3	1	4	5	1
Winfield	1	1					1				1	
Total	47	29	18	11	9	2	58	53	25	78	100	36
KENTUCKY.												
Bowling Green	3	2	1				3		1	1	3	1
Covington	2	1	1	2	2		4	5	3	8	7	5
Frankfort	1	1					1	2		2	2	
Henderson								2	1	3	2	1
Lexington	3	1	2	3	1	2	6	1	5	6	4	8
Louisville	46	23	23	12	8	4	58	14	31	45	60	43
Maysville	4	4		1	1		5		1	1	4	2
Newport	3	2	1	1	1		4				3	1
Owensboro				1	1		1					1
Paducah	2		2				2		2	2	2	2
Total	64	34	30	20	14	6	84	24	44	68	88	64
LOUISIANA.												
Baton Rouge	1		1				1	1	1	2	2	1
New Orleans	29	21	8	15	11	4	44	10	23	32	39	37
Shreveport				1	1		1		1	1		2
Total	30	21	9	16	12	4	46	11	24	35	41	40
MAINE.												
Auburn												
Augusta	11	10	1	9	9		20				11	9
Bangor	4	4		2	2		6		1	1	4	3
Bath	1	1		1	1		2	1	1	2	2	3
Belfast				1	1		1				1	1
Biddeford	3	1	2	1		1	4		1	1	3	2
Lewiston				3	2	1	3			2	2	3

TABLE 13.—The number examined for the Post-Office Service, and the number that passed and that failed, during the year ended June 30, 1898.—Continued.

Location of office.	Clerk.						Carrier.			Summary.			
	Number.	Passed.		Failed.		Total.	Passed.	Failed.	Total.	Passed.	Failed.	Aggregate.	
		Male.	Female.	Number.	Male.								Female.
MAINE - continued.													
Portland .....	12	7	5	4	3	1	16	9	3	12	21	7	28
Rockland .....	2	2					2				2		2
Waterville .....	3	2	1	3	3		6		1	1	3	4	7
Total .....	36	27	9	24	21	3	60	12	7	19	48	21	79
MARYLAND.													
Annapolis .....													
Baltimore .....	98						98						245
Cumberland .....													
Frederick .....													
Hagerstown .....													
Total .....	98						98						245
MASSACHUSETTS.													
Adams .....	1												1
Amesbury .....													
Andover .....	3												31
Athol .....	2												28
Attleboro .....	1												3
Beverly .....	1												3
Boston .....	104						104						565
Brockton .....	1						5						7
Chicopee Falls .....	3						21						46
Clinton .....	1												1
Everett .....	2						1						4
Fall River .....	4						11						23
Fitchburg .....	2						3						6
Gloucester .....	2												3
Greenfield .....													3
Haverhill .....	5						16						14
Holyoke .....	4						23						11
Hyde Park .....													9
Lawrence .....													2
Leominster .....	1												7
Lowell .....	20												57
Lynn .....	8												34
Malden .....							6						3
Marblehead .....													
Marlboro .....													1
Medford .....													
Melrose .....	2						3						7
Middleboro .....	1												1
Milford .....													
Natick .....													
New Bedford .....	5												25
Newburyport .....	1												1
Newton Center .....	7												18
North Adams .....	2												4
Northampton .....	1												6
North Attleboro .....	1												3
Peabody .....	1												3
Pittsfield .....	1												3
Plymouth .....	2												5
Quincy .....	1												1
Salem .....	5												3
South Framingham .....	2												3
Springfield .....	18												46
Taunton .....	1												7
Wakefield .....													1
Waltham .....	1												3
Watertown .....	2												33
Westboro .....													31
Westfield .....													5
West Medford .....	1												15
Winchester .....	1												3
Woburn .....	4												12
Worcester .....	25												75
Total .....	340												204

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TABLE 13.—The number examined for the Post-Office Service, and the number that passed and that failed, during the year ended June 30, 1898—Continued.

Location of office.	Clerk.							Carrier.			Summary.		
	Passed.			Failed.			Total.	Passed.	Failed.	Total.	Passed.	Failed.	Aggregate.
	Number.	Male.	Female.	Number.	Male.	Female.							
MICHIGAN.													
Adrian.....	4	2	2	1	1	.....	5	.....	1	1	4	2	6
Albion.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Alpena.....	2	1	1	.....	.....	.....	2	2	.....	2	4	.....	4
Ann Arbor.....	12	3	9	1	1	.....	13	1	2	3	13	3	16
Battlecreek.....	4	4	.....	.....	.....	.....	4	4	1	5	8	1	9
Bay City.....	.....	.....	.....	.....	.....	.....	.....	.....	1	1	.....	1	1
Benton Harbor.....	1	1	.....	2	2	.....	3	.....	.....	.....	1	2	3
Calumet.....	3	3	.....	3	3	.....	6	1	.....	1	4	3	7
Coldwater.....	2	1	1	2	1	1	4	.....	.....	.....	2	2	4
Detroit.....	86	43	43	35	14	21	121	86	66	152	172	101	273
Escanaba.....	.....	.....	.....	.....	.....	.....	.....	1	.....	1	1	.....	1
Flint.....	9	4	5	1	.....	1	10	1	2	3	10	3	13
Grand Rapids.....	28	16	12	1	.....	1	29	19	6	25	47	7	54
Hillsdale.....	2	2	.....	.....	.....	.....	2	1	.....	1	3	.....	3
Holland.....	14	9	5	1	1	.....	15	36	19	55	50	20	70
Ionia.....	.....	.....	.....	.....	.....	.....	.....	1	.....	1	1	.....	1
Iron Mountain.....	1	1	.....	.....	.....	.....	1	.....	1	1	1	1	2
Ironwood.....	2	.....	2	.....	.....	.....	2	.....	.....	.....	2	.....	2
Ishpeming.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Jackson.....	8	4	4	1	1	.....	9	7	5	12	15	6	21
Kalamazoo.....	7	7	.....	.....	.....	.....	7	4	7	11	11	7	18
Lansing.....	8	4	4	4	3	1	12	2	.....	2	10	4	14
Ludington.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Manistee.....	1	1	.....	1	1	.....	2	.....	2	2	1	3	4
Marquette.....	5	.....	5	4	4	.....	9	.....	2	2	5	6	11
Monominee.....	.....	.....	.....	.....	.....	.....	.....	.....	1	1	.....	1	1
Muskegon.....	1	.....	1	2	2	.....	3	2	.....	2	3	2	5
Owosso.....	1	1	.....	.....	.....	.....	1	3	1	4	4	1	5
Petoskey.....	6	3	3	1	1	.....	7	13	10	23	19	11	30
Pontiac.....	1	1	.....	.....	.....	.....	1	3	.....	3	4	.....	4
Port Huron.....	4	1	3	3	1	2	7	3	1	4	7	4	11
Saginaw East Side.....	5	3	2	2	2	.....	7	2	2	4	7	4	11
Saginaw West Side.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Sault Ste. Marie.....	2	1	1	2	2	.....	4	15	15	30	17	17	34
Traverse City.....	6	5	1	.....	.....	.....	6	25	15	40	31	15	46
West Bay City.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Ypsilanti.....	3	2	1	.....	.....	.....	3	1	.....	1	4	.....	4
Total.....	223	123	105	67	40	27	295	233	160	393	461	227	688
MINNESOTA.													
Austin.....	2	2	.....	1	1	.....	3	16	19	35	18	20	38
Duluth.....	1	.....	1	2	2	.....	3	1	3	4	2	5	7
Faribault.....	.....	.....	.....	1	1	.....	1	2	.....	2	2	1	3
Mankato.....	1	1	.....	.....	.....	.....	1	.....	1	1	1	1	2
Minneapolis.....	69	58	11	16	14	2	85	39	22	61	108	28	136
Red Wing.....	.....	.....	.....	.....	.....	.....	.....	.....	1	1	.....	1	1
Rochester.....	1	1	.....	.....	.....	.....	1	1	2	3	2	2	4
St. Cloud.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
St. Paul.....	29	22	7	12	7	5	41	24	16	40	53	28	81
Stillwater.....	.....	.....	.....	1	.....	1	1	.....	4	4	.....	5	5
Winona.....	2	2	.....	2	2	.....	4	4	2	6	6	4	10
Total.....	105	86	19	35	27	8	140	87	70	157	192	105	297
MISSISSIPPI.													
Greenville.....	.....	.....	.....	1	1	.....	1	.....	.....	.....	.....	1	1
Jackson.....	1	.....	1	.....	.....	.....	1	.....	1	1	1	1	2
Meridian.....	.....	.....	.....	4	1	3	4	.....	.....	.....	.....	4	4
Natchez.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Vicksburg.....	2	.....	2	.....	.....	.....	2	1	.....	1	3	.....	3
Total.....	3	.....	3	5	2	3	8	1	1	2	4	6	10
MISSOURI.													
Carthage.....	.....	.....	.....	.....	.....	.....	.....	1	1	2	1	1	2
Chillicothe.....	1	.....	1	2	1	1	3	2	.....	2	3	2	5
Hannibal.....	1	.....	1	1	1	.....	2	1	4	5	2	5	7
Jefferson City.....	3	2	1	4	4	.....	7	.....	.....	.....	3	4	7
Joplin.....	4	4	.....	3	3	.....	7	2	.....	2	6	3	9
Marion City.....	26	15	11	5	4	1	31	29	14	43	55	19	74
Warrensburg.....	1	1	.....	.....	.....	.....	1	22	21	43	23	21	44





TABLE 13.—The number examined for the Post-Office Service, and the number that passed and that failed, during the year ended June 30, 1898.—Continued.

Location of office.	Summary.		
	Passed.	Failed.	Aggregate.
NEW JERSEY—cont'd.			
Red Bank .....	7	3	10
Rutherford .....	3	5	8
Trenton .....			
Vineland .....			
Washington .....			
Total .....	79	68	
NEW MEXICO.			
Albuquerque .....	4	4	
NEW YORK.			
Albany .....	15	15	27
Amsterdam .....	1	1	2
Auburn .....	2	2	6
Batavia .....	2	2	4
Binghamton .....	6	6	14
Brooklyn .....	225	180	439
Buffalo .....	138	126	303
Canandaigua .....			1
Coboes .....			1
Cornhusk .....			1
Cortland .....	2	2	3
Dunkirk .....	3	3	3
Elmira .....	6	6	11
Flushing .....	2	2	4
Fulton .....	9	6	30
Geneva .....	3	3	4
Glens Falls .....			
Gloversville .....			1
Hoosick Falls .....	2	2	2
Hornellsville .....	2	2	2
Hudson .....	2	2	2
Ilion .....			
Ithaca .....	6	6	6
Jamaica .....	1	1	2
Jamestown .....	2		2
Johnstown .....			
Kingston .....	3	3	3
Little Falls .....			1
Lockport .....	6	6	8
Long Island City .....	4	4	17
Middletown .....	1	1	2
Mount Vernon .....	2	2	2
Newark .....	3	2	4
New Brighton .....	1	1	4
Newburg .....	5	5	5
New Rochelle .....			1
New York .....	534	452	988
Niagara Falls .....	2	2	5
Norwich .....			
Ogdensburg .....	1	1	1
Olean .....	6	6	6
Oneida .....			
Oneonta .....	1	1	1
Orangetown .....	2	2	2
Owego .....			1
Peekskill .....	5	5	7
Plattsburg .....	1	1	1
Port Chester .....			
Port Jervis .....			
Potomac .....			
Poughkeepsie .....	4	3	5
Rochester .....	32	33	43
Rome .....	1	1	1
Saratoga Springs .....	3	3	4
Schenectady .....	2	2	3
Seneca Falls .....			1
Sing Sing .....			
Syracuse .....	21	20	34
Tarrytown .....			

TABLE 13.—*The number examined for the Post-Office Service, and the number that passed and that failed, during the year ended June 30, 1928—Continued.*

## Location of office.

## NEW YORK—cont'd

Troy . . . . .  
 Utica . . . . .  
 Watertown . . . . .  
 Waverly . . . . .  
 West New Brighton . . . . .  
 White Plains . . . . .  
 West Troy . . . . .  
 Yonkers . . . . .

Total . . . . .

## NORTH CAROLINA.

Asheville . . . . .  
 Charlotte . . . . .  
 Durham . . . . .  
 Greensboro . . . . .  
 Raleigh . . . . .  
 Wilmington . . . . .  
 Winston . . . . .

Total . . . . .

## NORTH DAKOTA.

Fargo . . . . .  
 Grand Forks . . . . .

Total . . . . .

## OHIO.

Akron . . . . .  
 Alliance . . . . .  
 Ashland . . . . .  
 Ashtabula . . . . .  
 Bellaire . . . . .  
 Bellefontaine . . . . .  
 Bucyrus . . . . .  
 Canton . . . . .  
 Chillicothe . . . . .  
 Cincinnati . . . . .  
 Circleville . . . . .  
 Cleveland . . . . .  
 Columbus . . . . .  
 Coshocton . . . . .  
 Dayton . . . . .  
 Defiance . . . . .  
 Delaware . . . . .  
 East Liverpool . . . . .  
 Elyria . . . . .  
 Findlay . . . . .  
 Fostoria . . . . .  
 Fremont . . . . .  
 Galion . . . . .  
 Greenville . . . . .  
 Hamilton . . . . .  
 Ironton . . . . .  
 Kenton . . . . .  
 Lancaster . . . . .  
 Lima . . . . .  
 Lorain . . . . .  
 Mansfield . . . . .  
 Marietta . . . . .  
 Marion . . . . .  
 Massillon . . . . .  
 Middletown . . . . .  
 Mount Vernon . . . . .  
 Newark . . . . .  
 Norwalk . . . . .  
 Oberlin . . . . .  
 Painesville . . . . .  
 Piqua . . . . .

TABLE 13.—The number examined for the Post-Office Service, and the number that passed and that failed, during the year ended June 30, 1898—Continued.

Location of office.	Carrier.			Summary.		
	Passed.	Failed.	Total.	Passed.	Failed.	Aggregate.
<b>OHIO—continued.</b>						
Portsmouth .....	2	4	7	4	5	9
Salem .....	1	1	1	2	2	4
Sandusky .....	1	1	1	1	1	2
Sidney .....	6	3	9	19	6	25
Springfield .....	3	3	3	5	5	10
Steubenville .....	50	41	100	81	67	148
Tiffin .....	1	3	4	1	3	4
Toledo .....	3	2	5	12	5	17
Troy .....	31	21	52	37	22	59
Urbana .....	2	1	3	6	3	9
Vau Wert .....	1	1	1	1	1	2
Warren .....	1	1	1	3	1	4
Washington C. H. ....	3	2	5	6	2	8
Wooster .....	2	2	2	8	1	9
Xenia .....						
Youngstown .....						
Zanesville .....						
Total .....	416	289	705	757	306	1,155
<b>OKLAHOMA.</b>						
Guthrie .....	1	1	1	2	3	5
Oklahoma .....	1	1	1	1	1	2
Total .....	1	1	1	2	4	6
<b>OREGON.</b>						
Astoria .....	2	2	2	3	3	6
Portland .....	10	5	15	14	4	18
Salem .....	1	1	1	1	2	3
Total .....	13	8	21	18	9	27
<b>PENNSYLVANIA.</b>						
Allegheny .....	23	14	37	37	29	66
Allentown .....	3	3	6	5	4	9
Altoona .....	3	3	6	6	3	9
Beaver Falls .....	12	3	15	14	8	22
Bellefonte .....	2	2	4	2	1	3
Bethlehem .....	1	1	2	2	1	3
Bloomsburg .....			3	12	15	27
Braddock .....			1	1	1	2
Bradford .....	2	2	4	7	3	10
Butler .....			1	1	1	2
Carlisle .....	2	2	4	2	1	3
Carlisle .....	4	3	7	6	2	8
Chambersburg .....			1	1	1	2
Chester .....			3	3	2	5
Columbia .....			1	2	1	3
Connellsville .....	4	2	6	11	10	21
Corry .....			1	1	1	2
Danville .....	1	1	2	2	1	3
DuBois .....	1	1	2	1	1	2
Easton .....	1	1	2	1	1	2
Erie .....	7	7	14	9	10	19
Franklin .....			2	2	2	4
Greensburg .....	1	1	2	1	2	3
Harrisburg .....	1	1	2	8	4	12
Hazleton .....			1	2	1	3
Huntingdon .....						
Indiana .....	7	5	12	16	13	29
Johnstown .....	3	3	6	3	1	4
Kittanning .....	14	13	27	19	18	37
Lebanon .....	6	6	12	8	4	12
Lebanon .....	2	3	5	2	1	3
Lockhaven .....			1	1	1	2
Mahanoy City .....	2	1	3	2	1	3
McKeesport .....			2	2	2	4
Meadville .....	1	1	2	1	2	3

TABLE 13.—*The number examined for the Post-Office Service, and the number that passed and that failed, during the year ended June 30, 1898—Continued.*

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TABLE 13.—The number examined for the Post-Office Service, and the number that passed and that failed, during the year ended June 30, 1896.—Continued.

TABLE 13.—The number examined for the Post-Office Service, and the number that passed and that failed, during the year ended June 30, 1898—Continued.

Location of office.		
WASHINGTON—con- tinued.		
Spokane .....		
Tacoma .....		
Walla Walla .....		
Total.....		
WEST VIRGINIA		
Charleston .....		
Fairmont.....		
Huntington.....		
Martinsburg.....		
Parkersburg.....		
Wheeling .....		
Total.....		
WISCONSIN.		
Appleton .....		
Ashtland .....		
Beloit .....		
Chippewa Falls...		
Eau Claire .....		
Fond du Lac .....		
Fort Atkinson....		
Green Bay .....		
Jamestown.....		
Kenosha .....		
La Crosse.....		
Madison.....		
Manitowish.....		
Marinette .....		
Milwaukee.....		
Oshkosh .....		
Racine .....		
Sheboygan .....		
Stevens Point....		
Watertown.....		
Waukesha .....		
Wausau.....		
West Superior....		
Total.....		
WYOMING.		
Cheyenne.....		
Laramie.....		
Total.....		
Grand total .		

NOTE.—In addition to the above, special examinations were held as follows: Brooklyn, N. Y., porter, passed, 20, failed, 37, printer, passed, 0, failed, 2. Chicago, Ill., stenographer, passed, 1 male, 1 female, failed, 2 males, 7 females; typewriter, passed, 1 male, 1 female, failed, 2 males, 7 females. Detroit, Mich., messenger, passed, 12, stenographer (female), passed, 4, failed, 9, typewriter (female), passed, 1, failed, 6. New York, N. Y., porter, passed, 59, failed, 31. Philadelphia, Pa., compositor-pressureman, passed, 7, failed, 3; stenographer and typewriter, passed, 1 male, 2 females, failed, 1 male, 2 females. Syracuse, N. Y., stenographer, passed, 1 male, 2 females, failed, 11 females; typewriting, passed, 1 male, 1 female, failed, 11 females. The total number for all positions in the postal service is: Passed, 0,101, failed, 8,730, aggregate, 14,831.

TABLE 14.—Summary of preceding tables, showing for all grades of competitors in all branches of the classified civil service and the civil service of the District of Columbia the number examined, the number that passed and that failed, and the per cent that passed of those examined during the fiscal year ended June 30, 1898.

Kind of examination.	Number of examinations.	Examined.	Passed.	Failed.	Per cent passed.
<b>Departmental service:</b>					
Clerk.....	215	1,888	1,425	463	75-
Assistant examiner.....	57	146	35	111	24-
Bookkeeper.....	73	201	87	114	43-
Junior civil engineer.....	64	199	104	95	52-
Pension examining surgeon.....	40	77	36	41	47-
Skilled laborer.....	68	1,516	1,445	71	95-
Special pension examiner.....	34	54	16	38	30-
Stenographer.....	147	727	199	528	27-
Typewriter.....	146	695	257	438	37-
<b>Department of Agriculture—</b>					
Assistant (scientific).....	30	47	18	29	38-
Assistant chief of Division of Soils.....	2	1	.....	1	0
Assistant microscopist.....	62	1,770	624	1,146	35-
Meat inspector.....	44	120	44	76	37-
Observer (Weather Bureau).....	47	99	71	28	71-
Stock examiner.....	51	129	32	97	25-
Tagger.....	97	372	284	88	76-
<b>Miscellaneous, with educational test—</b>					
Acting assistant surgeon.....	24	32	16	16	50
Adjuster, Mint and Assay service.....	1	168	160	8	95+
Aid, Coast and Geodetic Survey.....	10	14	8	6	57-
Aid, Department of Biology.....	3	9	4	5	44-
Apprentice.....	19	109	104	5	95-
Assistant, Nautical Almanac Office.....	10	17	10	7	59-
Assistant attorney.....	10	13	11	2	85-
Assistant custodian.....	2	26	13	13	50
Assistant engineer.....	5	29	12	17	41-
Assistant inspector of ordnance.....	8	46	12	34	26-
Assistant topographer.....	14	22	9	13	41-
Assistant Treasury agent, Seal Islands.....	16	49	19	30	39-
Attendant, Government Hospital for the Insane.....	10	183	125	58	68-
Bookkeeper office of the Commissioner of Railroads.....	9	32	18	14	56-
Buoy colorist.....	2	8	2	6	25
Cadet Revenue Cutter Service.....	8	17	2	15	11-
Chief of Division of Library and Archives.					
Coast and Geodetic Survey.....	2	4	.....	4	0
Clerk, qualified in marine engineering.....	1	5	.....	5	0
Computer Coast and Geodetic Survey.....	3	4	1	3	25
Computer, Supervising Architect's Office.....	6	8	5	3	62+
Computer, chief, Supervising Architect's Office.....	4	11	6	5	55-
<b>Draftsman—</b>					
Qualified in typewriting.....	2	2	.....	2	0
Qualified in photography and typewriting.....	1	1	.....	1	0
Navy Department.....	1	1	1	.....	100
Architectural.....	5	5	2	3	40
Assistant, Navy Department.....	6	9	3	6	33-
Assistant, Bureau of Steam Engineering, Navy Department.....	2	2	2	.....	100
Junior architectural.....	9	10	4	6	40
Mechanical.....	25	62	10	52	16-
Mechanical, Ordnance Department.....	18	20	4	16	20-
Senior architectural.....	6	6	2	4	33-
Structural iron.....	1	1	1	.....	100
Topographic Coast and Geodetic Survey and Hydrographic Office.....	5	7	5	2	71+
Topographic, General Land Office.....	7	9	6	3	67-
Topographic, Geological Survey.....	9	10	5	5	50
Dynamo tender.....	1	6	3	3	50
Elevator conductor.....	30	75	27	48	36-
Engineer, custodian service.....	29	86	35	51	41-
Engineer, Departmental service.....	20	38	24	14	63-
Engineer, Marine-Hospital Service.....	5	5	2	3	40
Engineer and electrician.....	2	3	1	2	33-
Examiner, Mint Bureau.....	9	14	14	.....	100
Expert computer and geodesist.....	1	1	1	.....	100
Fireman.....	80	459	219	240	48-
Fish culturist.....	29	56	30	26	54-
Immigrant inspector.....	4	17	9	8	53-
Inspector of boilers.....	37	54	50	4	93-
Inspector of hulls.....	34	62	47	15	76-
Inspector of woolens.....	7	28	4	24	14-
Interne, Freedmen's Hospital.....	2	2	1	1	50
Interne, Marine-Hospital Service.....	1	1	.....	1	0

TABLE 14.—Summary of preceding tables, showing for all grades of competitors in all branches of the classified civil service and the civil service of the District of Columbia the number examined, etc.—Continued.

Kind of examination.	Number of examinations.	Examined.	Passed.	Failed.	Per cent passed.
<b>Departmental service—Continued.</b>					
<b>Miscellaneous, with educational test—Cont'd.</b>					
<b>Interpreter—</b>					
Finnish .....	1	1	1	.....	100
French .....	2	5	2	3	40
German .....	3	13	7	6	54—
Indian languages .....	1	2	2	.....	100
Italian .....	2	11	7	4	64—
Lithuanian .....	1	1	.....	1	0
Portuguese .....	1	1	1	.....	100
Swedish .....	1	1	1	.....	100
Janitor .....	92	472	246	226	52+
Keeper of aquarium .....	3	7	2	5	29—
Law clerk .....	17	31	11	20	35+
Map printer .....	1	1	1	.....	100
Matron, Freedmen's Hospital .....	3	6	5	1	83+
Melter-carpenter .....	1	9	2	7	22+
Messenger .....	105	302	281	21	93+
Messenger boy .....	29	85	82	3	96+
<b>Modern languages—</b>					
Danish .....	3	4	4	.....	100
French .....	8	21	9	12	43—
German .....	13	22	11	11	50
Italian .....	5	13	7	6	54—
Russian .....	1	1	1	.....	100
Spanish .....	4	11	7	4	64—
Swedish .....	3	3	1	2	33+
Nautical expert .....	10	13	5	8	38+
Pharmacist .....	1	1	.....	1	0
Photographer .....	17	40	2	38	5
Printer .....	1	5	5	.....	100
Proof reader .....	5	6	3	3	50
Sanitary inspector, Marine-Hospital Service .....	8	8	3	5	37+
Special agent, Treasury Department .....	20	74	15	59	20+
Special mechanic .....	4	14	8	6	57+
Stenographer and typewriter with knowledge of French .....	1	1	.....	1	0
Stenographer and typewriter with knowledge of Spanish .....	1	2	1	1	50
Steward, Marine-Hospital Service .....	23	30	17	13	57—
<b>Subtreasury—</b>					
Schedule A .....	1	4	4	.....	100
Schedule B .....	1	14	11	3	79—
Schedule C .....	1	2	1	1	50
Superintendent of construction .....	30	57	20	37	35+
Superintendent of Division of Post-Office Supplies .....	4	13	2	11	15+
Superintendent and head nurse, Freedmen's Hospital .....	2	2	1	1	50
Supervising Architect .....	14	30	6	24	20
Transportation agent .....	2	2	2	.....	100
Tracer, Navy Department .....	1	1	.....	1	0
Watchman .....	135	447	302	145	67+
Wireman .....	2	24	18	6	75
<b>Miscellaneous, without educational test—</b>					
Baker .....	.....	4	4	.....	100
Blacksmith .....	.....	44	44	.....	100
Bricklayer .....	.....	1	1	.....	100
Cabinetmaker .....	.....	10	10	.....	100
Carpenter .....	.....	102	102	.....	100
Coachman .....	.....	2	2	.....	100
Cook .....	.....	23	23	.....	100
Designer .....	.....	1	1	.....	100
Engineer .....	.....	16	15	1	94—
Engraver, script .....	.....	7	2	5	28+
Fireman .....	.....	11	11	.....	100
Gas fitter .....	.....	3	3	.....	100
General mechanic .....	.....	2	2	.....	100
General wood worker .....	.....	1	1	.....	100
Grinder .....	.....	1	1	.....	100
Hardwood finisher .....	.....	1	1	.....	100
Instrument maker .....	.....	4	4	.....	100
Laundress .....	.....	11	10	1	91—
Leather worker .....	.....	29	29	.....	100
Locksmith .....	.....	5	5	.....	100
Machinist .....	.....	38	38	.....	100
Miller .....	.....	3	3	.....	100
Painter .....	.....	17	17	.....	100

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TABLE 14.—Summary of preceding tables, showing for all grades of competitors in all branches of the classified civil service and the civil service of the District of Columbia the number examined, etc.—Continued.

Kind of examination.	Number of examinations.	Examined.	Passed.	Failed.	Per cent passed.
Departmental service—Continued.					
Miscellaneous, without educational test—Continued.					
Plasterer .....		3	3		100
Plate cleaner .....		9	8	1	89
Plate printer .....		133	133		100
Plumber .....		88	88		100
Sailmaker .....		10	10		100
Sawyer .....		3	3		100
Steam fitter .....		9	9		100
Steam fitter's helper .....		10	10		100
Stonecutter .....		3	3		100
Surfman .....		566	526	40	93
Tailor .....		2	2		100
Teamster .....		4	4		100
Tool maker .....		3	3		100
Transferer .....		5	4	1	80
Upholsterer and decorator .....		3	3		100
Wheelwright .....		6	6		100
Railway-mail clerk .....	244	4,799	3,828	971	80
Indian Service—					
Constable .....	2	4	4		100
Disciplinarian .....	2	2		2	0
Industrial teacher and farmer .....	36	73	33	40	45
Kindergarten teacher .....	14	16	14	2	87
Manual-training teacher .....	2	2	2		100
Matron .....	64	128	91	35	72
Nurse .....	16	18	11	7	61
Physician .....	27	36	16	20	44
Seamstress .....	26	46	27	19	59
Sloyd teacher .....	3	3	3	1	67
Superintendent and principal teacher .....	18	21	16	5	76
Teacher .....	68	156	80	76	51+
Engineer Department at large—					
Assistant blaster .....		6	6		100
Assistant inspector .....		1	1		100
Assistant lock master .....		1	1		100
Assistant rigger .....		1	1		100
Baker .....		3	3		100
Blacksmith .....		82	82		100
Blacksmith's helper .....		18	18		100
Blaster .....		6	6		100
Boatman .....		20	17	3	85
Boiler maker .....		4	4		100
Brakeman .....		9	9		100
Bricklayer .....		15	15		100
Bridge tender .....		1	1		100
Carpenter .....		466	462	4	99
Carpenter and calker .....		7	7		100
Carpenter and diver .....		1	1		100
Carpenter, ship .....		50	48	2	96
Carpenter's helper .....		12	12		100
Calker .....		39	39		100
Cement finisher .....		9	9		100
Cement tester .....		12	12		100
Cement worker .....		3	3		100
Chainman .....		9	9		100
Cook .....		8	8		100
Coppersmith .....		1	1		100
Cranesman .....		7	6	1	86
Custodian .....		10	10		100
Deputy inspector and master .....		8	8		100
Deck hand .....		1	1		100
Dipper tender .....		1	1		100
Diver .....		5	5		100
Dredge hand .....		5	5		100
Dredge runner .....		5	5		100
Drill tender .....		4	4		100
Electrical engineer .....		2	2		100
Electrician .....		4	4		100
Engineer—					
Chief .....		6	6		100
Dredge .....		9	8	1	89
Locomotive .....		27	27		100
Stationary .....		93	92	1	99
Steam vessel .....		59	57	2	97
Fireman .....		53	53		100
Foreman .....		25	25	3	92+
Foreman carpenter .....		5	5		100

TABLE 11.—81

the num

bles, showing for all grades of competitors in all  
and the civil service of the District of Columbia  
d.

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1875

1876



TABLE 14.—SUM  
branches of  
the numberes, showing for all grades of competitors in all  
and the civil service of the District of Columbia  
L.

Departmental service—Continued.					
Ordnance Department at large—Continued.					
Cranesman .....	1	1			100
Die-sinker .....	3	3			100
Driller .....	24	24			100
.....	4	4			100
.....	3	3			100
.....	4	4			100
.....	6	6			100
.....	4	4			100
Foreman of grounds .....	1	1			100
Foreman of laborers .....	1	1			100
Foreman of machinists .....	1	1			100
Forger .....	10	10			100
Filer .....	28	28			100
Grinder .....	2	2			100
Guard .....	15	15			100
Harness maker .....	20	20			100
Inspector .....	8	8			100
Iron-molder .....	1	1			100
Lineman .....	1	1			100
Machinist .....	451	451			100
Mechanic .....	31	31			100
Melter .....	1	1			100
Messenger .....	1	1			100
Motorman .....	1	1			100
Molder .....	3	3			100
Molder, loam .....	2	2			100
Molder sand .....	22	22			100
Painter .....	24	24			100
Pattern maker .....	10	10			100
Plasterer and concrete worker .....	7	7			100
Plumber .....	5	5			100
Polisher .....	38	38			100
Profiler .....	34	34			100
Reamer .....	4	4			100
Screw maker .....	1	1			100
Skilled laborer .....	1	1			100
Steam fitter .....	1	1			100
Stock shaper .....	20	20			100
Tailor .....	10	10			100
Temperer .....	1	1			100
Tinsmith .....	17	17			100
Tool maker .....	37	37			100
Turner .....	2	2			100
Watchman .....	11	11			100
Wheelwright .....	1	1			100
Light House Service—					
Assistant engineer .....	2	2			100
Keeper .....	117	117			100
Master .....	3	3			100
Mate .....	12	12			100
Total for entrance to departmental service .....	2, 838	22, 263	16, 106	6, 157	72-
Under Rule X (transfer) .....	64	68	52	16	76-
Under Rule XI (promotion) .....	56	294	101	193	34-
Total for departmental service .....	2, 958	22, 625	16, 259	6, 366	72-
Government printing service:					
Bookbinder .....	37	76	68	8	90-
Compositor .....	112	396	363	14	94-
Electrotype finisher .....	4	4	4		100
Electrotype molder .....	3	2	2		100
Pressman .....	28	46	44	2	96-
Stereotyper .....	2	4	3	1	75
Superintendent of public documents .....	6	18	7	11	39-
Saw grinder .....		1	1		100
Total, Government printing service .....	192	547	511	36	92-
Postal service:					
Clerk .....	6, 639	4, 787	1, 902		71+
Carrier .....	7, 996	4, 290	2, 097		54-
Miscellaneous .....	234	123	131		60-
Total, postal service .....	851	14, 901	6, 101	6, 790	60-

TABLE 14 —Summary of preceding tables, showing for all grades of competitors in all branches of the classified civil service and the civil service of the District of Columbia the number examined, etc.—Continued.

Kind of examination.	Number of exam-inations.	Exam-ined.	Passed.	Failed.	Per cent passed.
Customs service:					
First grade.....		1, 159	741	418	64—
Second grade.....		96	57	39	59+
Third grade.....		250	189	61	76—
Special.....		3, 267	2, 261	1, 006	69+
Total for entrance to customs service.....		4, 772	3, 248	1, 524	68+
Under Rule XI (promotion).....		568	497	71	88—
Total for customs service.....	254	5, 340	3, 745	1, 595	51+
Internal-revenue service.....	162	2, 309	924	1, 385	40+
Total for all branches of the classified service.....	4, 420	45, 712	30, 000	15, 112	67—
District of Columbia:					
Bookkeeper.....	1	15	1	14	7—
Clerk.....	1	15	12	3	80
Policeman.....	4	166	86	80	52—
Station keeper.....	3	24	15	9	62+
Total for the District of Columbia.....	9	220	114	106	52—
Grand total for all examinations.....	4, 429	45, 932	30, 714	15, 218	64—

NOTE.—One hundred and sixty sets of papers were filed for positions for which no examinations are required, as follows: Pupil nurse, Freedman's Hospital, 16; laborer, Government Hospital for the Insane, 144.

TABLE 15.—Showing, by States and Territories, those appointed through examination in the classified departmental service, exclusive of the Indian and Railway Mail services, during the fiscal year ended June 30, 1898.

[Names of preference claimants under section 1734, United States Revised Statutes, are printed in italics.]

Name.	Legal residence.	Probationary appointment.		Kind of examination—remarks.
		Department—bureau or office.	Salary.	
ALABAMA.				
Austin, Walter F.....	Jefferson County .....	War—Record and Pension.....	\$1,000.00	Aug. 12, 1897 Stenography and typewriting.
Brockway, Benjamin L.....	Sumter County .....	Treasury—Revenue-Cutter Service	500.00	Aug. 16, 1897 Cadet; Revenue-Cutter Service.
Collier, Julian B.....	Jefferson County .....	Treasury—Assistant custodian and janitor service, Birmingham.	650.00	Aug. 28, 1897 Assistant janitor.
Schmucker, Theodore F.....	Talladega County .....	War—Record and Pension.....	1,000.00	Oct. 21, 1897 Stenography and typewriting.
Black, Joseph P.....	Jefferson County .....	Treasury—Assistant custodian and janitor service, Birmingham.	720.00	Dec. 2, 1897 Watchman.
Bass, James W.....	do .....	Post-Office—Fourth Assistant Post- master-General.	1,200.00	Jan. 28, 1898 Post-office inspector; transfer under Rule X.
Haskelt, Sanford R.....	do .....	Treasury—Assistant custodian and janitor service, Birmingham.	720.00	Mar. 4, 1898 Fireman.
Harris, Charles G.....	Macon County.....	Interior—Land office, Montgomery.	900.00	Mar. 14, 1898 Clerk.
Pearson, John F.....	Montgomery County	Navy—Pensacola Navy-Yard.....	1,017.25	Mar. 15, 1898 Stenography.
Pearson, Mrs. Emma C.....	do .....	Interior—Freedman's Hospital .....	84.00	Mar. 30, 1898 Nurse. Temporarily appointed Sept. 4, 1897.
Wiles, James A.....	do .....	Navy—Key West Naval Station.....	p. d. 2.24	.....do .....
Giles, William S.....	Dallas County .....	do .....	p. d. 2.24	Apr. 20, 1898 Do.
Bain, Isadore .....	Montgomery County	War—Engineer dept., Key West...	1,080.00	May 4, 1898 Stenography and typewriting.
Strawn, Oscar G.....	do .....	Treasury—Assistant custodian and janitor service, Montgomery.	900.00	May 5, 1898 Engineer.
Levy, Miss Lucia N.....	Mobile County.....	Interior—Patent .....	720.00	May 20, 1898 Stenography and typewriting.
ARIZONA.				
King, Horace W.....	Maricopa County...	Interior—Surveyor-general, Arizona	1,200.00	June 1, 1898 Junior engineer surveyor.
ARKANSAS.				
Crosdale, James H.....	Benton County .....	Smithsonian Institution.....	p. m. 45.00	Feb. 16, 1898 Watchman.
Holland, William C.....	Columbia County...	War—Quartermaster's department at large, Fort Logan H. Roots.	540.00	Apr. 11, 1898 Fireman.
CALIFORNIA.				
Goodenough, Arthur H.....	San Francisco County.	Interior—Special disbursing agent, San Francisco.	500.00	July 1, 1897 Clerk, customs examination.
Blackley, Will D.....	do .....	War—Inspector-general, San Fran- cisco.	1,000.00	July 24, 1897 Stenography and typewriting.
Alverson, Albert H.....	Monterey County .....	Interior—Geological Survey.....	900.00	Aug. 2, 1897 Assistant topographer.
Byron, Arthur J.....	Alameda County...	Navy—Marine Island Navy-Yard...	p. d. 2.28	Aug. 6, 1897 Junior engineer surveyor.

NAME	COUNTY	CLASS	DATE	AMOUNT	STATUS	REMARKS
Kimmel, Harry	Los Angeles County	...	Aug. 10, 1897	720.00	...	Messenger.
Glacken, William F.	Sacramento County	...	Sept. 7, 1897	p.m. 45.00	...	Fireman.
...	Shasta County	...	Oct. 26, 1897	p.d. 2.24	...	Watchman.
...	San Francisco County	...	Dec. 1, 1897	1,200.00	...	Meat inspector.
...	do	...	...	p.d. 2.24	...	Skilled laborer.
...	do	...	Dec. 8, 1897	000.00	...	do
...	do	...	Dec. 13, 1897	1,300.00	...	Meat inspector.
...	...	...	Dec. 15, 1897	500.00	...	Clerk; transfer under Rule X
...	...	...	Jan. 3, 1898	p.d. 3.04	...	Bookkeeping
...	...	...	...	000.00	...	Messenger.
...	...	...	Jan. 4, 1898	p.d. 5.00	...	Skilled laborer (entire)
...	...	...	Jan. 6, 1898	1,800.00	...	Assistant inspector of boilers.
...	...	...	Jan. 10, 1898	000.00	...	Fireman.
...	...	...	Jan. 20, 1898	1,200.00	...	Post-office inspector; transfer under Rule X.
...	...	...	Jan. 30, 1898	p.d. 2.00	...	Clerk-copyist.
...	...	...	Feb. 12, 1898	840.00	...	Skilled laborer.
...	...	...	...	840.00	...	Watchman.
...	...	...	Feb. 15, 1898	p.d. 5.00	...	Plumber.
...	...	...	Mar. 1, 1898	720.00	...	Tagger.
...	...	...	Mar. 4, 1898	...	...	Stenography and typewriting
...	...	...	Apr. 9, 1898	900.00	...	Clerk.
...	...	...	Apr. 11, 1898	p.m. 75.00	...	Stenography and typewriting
...	...	...	Apr. 30, 1898	840.00	...	Do.
...	...	...	Apr. 16, 1898	p.m. 75.00	...	Keeper of aquarium.
...	...	...	...	p.m. 75.00	...	Buoy colorist, temporary appointment as hydrographic
...	...	...	May 11, 1898	2,100.00	...	aid draftsman
...	...	...	May 24, 1898	900.00	...	Assistant agent, Alaska Seal Islands.
...	...	...	May 20, 1898	1,200.00	...	Fireman.
...	...	...	May 31, 1898	720.00	...	Meat inspector.
...	...	...	June 24, 1898	p.m. 50.00	...	Janitor.
...	...	...	...	...	...	Watchman.

TABLE 15.—Showing, by States and Territories, those appointed through examination in the classified departmental service, exclusive of the Indian and Railway Mail services, during the fiscal year ended June 30, 1898—Continued.

Name.	Legal residence.	Probationary appointment.			Kind of examination—remarks.
		Department—bureau or office.	Salary.	Date.	
COLORADO.					
Fulton, Robert M .....	El Paso County .....	Post-Office—Fourth Assistant Postmaster-General.	\$1,200.00	Jan. 22, 1898	Post-office inspector; transfer under Rule X.
Frame, David T.....	do .....	Agriculture—Animal Industry.....	1,200.00	Feb. 10, 1898	Meat inspector.
Taylor, Miss Mabel.....	Pueblo County .....	Interior—Surveyor-General, Colorado.	900.00	Mar. 2, 1898	Clerk-copyist.
Speer, John T.....	Arapahoe County .....	Treasury—Mint, Philadelphia .....	1,400.00	May 1, 1898	Clerk.
Twitchell, Nathan R.....	do .....	Treasury—Mint, Denver.....	p. d. 3.25	do .....	Watchman.
Pumphrey, Homer J.....	do .....	do .....	p. d. 3.25	do .....	Do.
Wilson, Eugene C.....	do .....	Treasury—Mint Building, Denver..	840.00	May 13, 1898	Do.
Draper, Eleanor.....	do .....	Treasury—Auditor Post-Office Department.	720.00	June 4, 1898	Clerk; transfer under Rule X.
Fuller, William D.....	Pueblo County.....	Agriculture—Weather Bureau .....	840.00	June 2, 1898	Observer.
French, Isaac R.....	do .....	Treasury—Assistant custodian and janitor service, Pueblo.	720.00	June 6, 1898	Watchman.
Harrell, Albert.....	do .....	do .....	720.00	June 8, 1898	Do.
Howard, Michael.....	Arapahoe County ..	Interior—Surveyor-General, Colorado.	720.00	June 23, 1898	Do.
CONNECTICUT.					
Sears, Charles E.....	Fairfield County.....	Post-Office—Mail-lock repair shop..	p. d. 3.00	Aug. 17, 1897	Tool maker.
Waterbury, George N.....	do .....	do .....	p. d. 3.00	Aug. 18, 1897	Do.
Cleveland, William G.....	Hartford County ..	do .....	p. d. 3.00	Aug. 23, 1897	Do.
Lewis, William I.....	Middlesex County ..	Post-Office—Fourth Assistant Postmaster-General.	1,200.00	Feb. 12, 1898	Post-office inspector; transfer under Rule X.
Van Wart, Edward L.....	New London County	Treasury—Assistant custodian and janitor service, New London.	600.00	Apr. 8, 1898	Janitor-fireman.
Ryder, Louis W.....	New Haven County.	Treasury—Marine-Hospital Service.	600.00	May 1, 1898	Hospital steward.
Godfrey, Charles C.....	Fairfield County.....	Interior—Pension Board, Bridgeport.	Fees.	May 21, 1898	Pension examining surgeon.
Harris, James T.....	New Haven County.	Treasury—Assistant custodian and janitor service.	600.00	May 27, 1898	Janitor-fireman.
Wallace, Mrs. Augusta L.....	do .....	Treasury—Auditor for Navy Department.	800.00	June 21, 1898	Clerk; appointed by transfer under Rule X.
DELAWARE.					
Kelly, James J.....	Newcastle County.	Treasury—Assistant custodian and janitor service, Wilmington.	540.00	Jan. 17, 1898	Elevator conductor.

DISTRICT OF COLUMBIA.

Troxell, Miss Cora E.	Treasury—Bureau of Engraving and Printing.	p. d.	1. 25	July 6, 1897	Printer's assistant.
Stewart, Miss Frances E.	do	p. d.	1. 25	do	Do.
Richmond, Miss Edith C.	do	p. d.	1. 25	do	Do.
Johnson, Miss Elizabeth A.	do	p. d.	1. 25	do	Do.
Brewer, Miss Ella A.	do	p. d.	1. 25	July 7, 1897	Do.
Parker, William H.	Navy—Washington Navy-Yard	p. d.	2. 00	do	Carpenter.
Lewis, Victor A.	do	p. d.	2. 00	do	Typewriting.
Faunce, Maurice S.	Interior—Geological Survey.	p. d.	. 50	July 9, 1897	Apprentice to copper-plate map engraver.
Court, Edward J.	do	p. d.	. 50	July 16, 1897	Do.
Yingling, Miss Marion.	Treasury—Bureau of Engraving and Printing.	p. d.	1. 25	July 20, 1897	Printer's assistant.
Seaman, Miss Mamie G.	do	p. d.	1. 25	do	Do.
Pittman, Miss Arlieville.	do	p. d.	1. 25	do	Do.
Pepper, Alice.	do	p. d.	1. 25	do	Do.
Desmond, Miss Jane M.	do	p. d.	1. 25	do	Do.
Cameron, Miss Mamie C.	do	p. d.	1. 25	do	Do.
Morgan, Miss Ella L.	do	p. d.	1. 25	do	Do.
Stowell, Mrs. Eva E.	do	p. d.	1. 25	July 21, 1897	Do.
Johnson, Mrs. Anine E.	do	p. d.	1. 25	do	Do.
Hoover, Miss Lottie G.	do	p. d.	1. 25	July 29, 1897	Do.
Franklin, Miss Fannie A.	do	p. d.	1. 25	do	Do.
Burdine, Miss Pearl.	do	p. d.	1. 25	do	Do.
Smith, Miss Teresa R.	do	p. d.	1. 25	July 30, 1897	Do.
McLean, Miss Mary M.	do	p. d.	1. 25	do	Do.
Buck, Thomas E.	Interior—Patent Office	p. d.	360. 00	July 31, 1897	Messenger boy.
Spooner, Herbert H.	do		360. 00	do	Do.
Steiner, Miss Mary R.	Treasury—Bureau of Engraving and Printing.	p. d.	1. 25	Aug. 2, 1897	Printer's assistant
Alderton, Miss Viola P.	do	p. d.	1. 25	do	Do.
Clark, John F.	Treasury—Assistant custodian and janitor service, New York.		720. 00	do	Wireman.
Bryant, Herbert S.	Interior—Patent Office		360. 00	do	Messenger boy.
Bates, John E.	Navy—New York Navy-Yard.	p. d.	2. 24	Aug. 10, 1897	Bookkeeping.
Robb, Arthur.	Navy—Washington Navy-Yard	p. d.	2. 00	Aug. 12, 1897	Typewriting.
Brett, Miss Annie E.	Interior—Government Hospital for the Insane.		168. 00	Aug. 17, 1897	Attendant.
Potts, Robert E.	Post-Office—Mail lock repair shop.	p. d.	3. 00	Aug. 19, 1897	Tool maker.
Shuster, Ernest A., jr.	Interior—Patent Office		360. 00	Aug. 20, 1897	Messenger boy
Freeman, Paul L.	do		360. 00	Aug. 31, 1897	Do.
Cryer, Miss Alice M.	Interior—Government Hospital for the Insane.		168. 00	Sept. 1, 1897	Attendant.
Smith, Lewis S.	do		216. 00	do	Do.
Bohen, Denis D.	do		216. 00	Sept. 2, 1897	Do.
Burch, Miss Lizzie G.	do		168. 00	do	Do.
Conrad, Harry M.	do		216. 00	Sept. 3, 1897	Do.
Jett, Miss Cornelia B.	Treasury—Bureau of Engraving and Printing.	p. d.	1. 25	Sept. 10, 1897	Printer's assistant
Hoge, Miss Annie M.	do	p. d.	1. 25	do	Do.
Fallon, Miss Sydney C.	do	p. d.	1. 25	do	Do.



TABLE 15.—Showing by States and Territories, those appointed through examination in the classified departmental service, exclusive of the Indian and Railway Mail services, during the fiscal year ended June 30, 1898.—Continued.

Name.	Legal residence.	Probationary appointment.			Kind of examination—remarks.
		Department—bureau or office.	Salary.	Date.	
DISTRICT OF COLUMBIA—continued.					
Bruseke, Miss Minnie A		Treasury—Bureau of Engraving and Printing.	p. d. \$1. 25	Sept. 10, 1897	Printer's assistant.
Ball, Miss Mary A		do	p. d. 1. 25	do	Do.
Clements, Harry P		Interior—Government Hospital for the Insane.	216. 00	do	Attendant.
Mueller, Miss Rosina		Treasury—Bureau of Engraving and Printing.	p. d. 1. 25	Sept. 11, 1897	Printer's assistant.
Thompson, Miss Mary L		do	p. d. 1. 25	do	Do.
Clokey, Miss Julia E		do	p. d. 1. 25	do	Do.
Lloyd, Joseph H		Interior—Government Hospital for the Insane.	216. 00	Sept. 13, 1897	Attendant.
Watson, Miss Lucy W		do	168. 00	do	Do.
Galew, Miss Marcelena		Interior—Friedman's Hospital	84. 00	Sept. 14, 1897	Pupil nurse.
Clemmer, Miss Margaret E		Treasury—Bureau of Engraving and Printing.	p. d. 1. 25	Sept. 20, 1897	Printer's assistant.
Tolson, Harry G		Interior—Government Hospital for the Insane.	216. 00	Sept. 21, 1897	Attendant.
O'Neal, Miss Florence		Treasury—Bureau of Engraving and Printing.	p. d. 1. 25	do	Printer's assistant.
Fogarty, Miss Blanche E		do	p. d. 1. 25	do	Do.
Fowler, Richard L		War—Engineer Department, at large.	p. d. 3. 00	Sept. 29, 1897	Carpenter.
Martin, John R		Navy—Washington Navy-Yard	p. d. 2. 00	Oct 4, 1897	Messenger.
Frasier, Ernest I		Treasury—Bureau of Engraving and Printing.	939. 00	Oct. 7, 1897	Carpenter.
Wheeler, Miss Sara V		do	p. d. 1. 25	Oct. 11, 1897	Skilled laborer.
Simmons, James W		Interior—Government Hospital for the Insane.	216. 00	Oct. 12, 1897	Attendant.
Tolliver, Miss Emma E		Treasury—Bureau of Engraving and Printing.	p. d. 1. 25	Nov. 5, 1897	Skilled laborer.
Munta, Miss Mary T		do	p. d. 1. 25	do	Do.
Wagh, Miss Eva M		do	p. d. 1. 25	Nov. 6, 1897	Do.
Thurston, Richard		Interior—Government Hospital for the Insane.	216. 00	Nov. 9, 1897	Attendant.
Hogan, Robert R		do	216. 00	Nov. 10, 1897	Do.
Stikel, Miss Alda V		Treasury—Bureau of Engraving and Printing.	p. d. 1. 25	Nov. 12, 1897	Skilled laborer.
Rehnschler, Miss Katharine		do	p. d. 1. 25	do	Do.
Bouders, Miss Fannie I		do	p. d. 1. 25	do	Do.

Name	Place	Date	Amount	Particulars	Remarks
John E.	Interior—Government Hospital for the Insane.	Nov. 13, 1897	p. d. 1.25	Do.	Do.
		Nov. 16, 1897	p. d. 1.25	Do.	Do.
		Nov. 17, 1897	p. d. 1.25	Do.	Do.
		Nov. 22, 1897	216.00	Attendant	Do.
		Nov. 29, 1897	216.00	Do.	Do.
		Dec. 10, 1897	720.00	Fish culturist	Do.
			216.00	Attendant	Do.
Manlio E.		Dec. 13, 1897	Piece rates		
		Dec. 30, 1897	p. d. 1.25	Do.	Do.
		Jan. 13, 1898	p. d. 2.00	Do.	Do.
		Jan. 14, 1898	p. m. 00.00	Do.	Do.
		Jan. 17, 1898	p. d. 1.00	Do.	Do.
		Jan. 20, 1898	p. d. .50	Do.	Do.
		Jan. 24, 1898	p. d. .50	Do.	Do.
		Feb. 1, 1898	p. d. 3.25	Do.	Do.
		Feb. 8, 1898	216.00	Tracer of ship drawings	Attendant.
		Feb. 14, 1898	216.00	Do.	Do.
Just, Frank C.		Jan. 18, 1898	p. d. 2.00	Do.	Do.
Higgs, Joseph H.		Jan. 20, 1898	p. d. 216.00	Do.	Do.
		Jan. 24, 1898	216.00	Do.	Do.
		Jan. 26, 1898	216.00	Do.	Do.
		Feb. 1, 1898	p. d. 2.50	Do.	Do.
		Feb. 8, 1898	p. d. .50	Do.	Do.
		Feb. 14, 1898	p. d. .50	Do.	Do.
		Mar. 1, 1898	600.00	Do.	Do.
		Mar. 2, 1898	600.00	Do.	Do.
		Mar. 4, 1898	108.00	Do.	Do.
		Mar. 6, 1898	108.00	Do.	Do.
		Mar. 8, 1898	216.00	Do.	Do.
		Mar. 10, 1898	168.00	Do.	Do.
		Mar. 12, 1898	216.00	Do.	Do.
		Mar. 14, 1898	168.00	Do.	Do.
		Mar. 16, 1898	216.00	Do.	Do.
		Mar. 18, 1898	168.00	Do.	Do.
		Mar. 20, 1898	216.00	Do.	Do.
		Mar. 22, 1898	168.00	Do.	Do.
		Mar. 24, 1898	216.00	Do.	Do.
		Mar. 26, 1898	168.00	Do.	Do.
		Mar. 28, 1898	216.00	Do.	Do.
		Mar. 30, 1898	168.00	Do.	Do.
		Mar. 31, 1898	216.00	Do.	Do.
		Apr. 2, 1898	168.00	Do.	Do.
		Apr. 4, 1898	216.00	Do.	Do.
		Apr. 6, 1898	168.00	Do.	Do.
		Apr. 8, 1898	216.00	Do.	Do.
		Apr. 10, 1898	168.00	Do.	Do.
		Apr. 12, 1898	216.00	Do.	Do.
		Apr. 14, 1898	168.00	Do.	Do.
		Apr. 16, 1898	216.00	Do.	Do.
		Apr. 18, 1898	168.00	Do.	Do.
		Apr. 20, 1898	216.00	Do.	Do.
		Apr. 22, 1898	168.00	Do.	Do.
		Apr. 24, 1898	216.00	Do.	Do.
		Apr. 26, 1898	168.00	Do.	Do.
		Apr. 28, 1898	216.00	Do.	Do.
		Apr. 30, 1898	168.00	Do.	Do.
		May 2, 1898	216.00	Do.	Do.
		May 4, 1898	168.00	Do.	Do.
		May 6, 1898	216.00	Do.	Do.
		May 8, 1898	168.00	Do.	Do.
		May 10, 1898	216.00	Do.	Do.
		May 12, 1898	168.00	Do.	Do.
		May 14, 1898	216.00	Do.	Do.
		May 16, 1898	168.00	Do.	Do.
		May 18, 1898	216.00	Do.	Do.
		May 20, 1898	168.00	Do.	Do.
		May 22, 1898	216.00	Do.	Do.

TABLE 15.—Showing, by States and Territories, those appointed through examination in the classified departmental service, exclusive of the Indian and Railway Mail services, during the fiscal year ended June 30, 1898—Continued.

Name.	Legal residence.	Probationary appointment.			Kind of examination—remarks.
		Department—bureau or office.	Salary.	Date.	
DISTRICT OF COLUMBIA—continued.					
Weber, Miss Lula A . . . . .		Treasury—Bureau of Engraving and Printing.	p. d. \$1. 25	Mar. 5, 1898	Skilled laborer.
Edwards, Walter J. . . . .		Navy—Fort Lafayette, N. Y. . . . .	p. d. 2. 24	Mar. 7, 1898	Watchman.
Jackson, Frank H. . . . .		Navy—Yards and Docks. . . . .	p. d. 5. 00	Mar. 10, 1898	Senior architectural draftsman, temporary appointment.
Toepper, Charles G. . . . .		Navy—Washington Navy-Yard. . . . .	p. d. 2. 00	.....do . . . . .	Clerk.
Mitchell, Miss Ida B. . . . .		Treasury—Bureau of Engraving and Printing.	p. d. 1. 25	Mar. 21, 1898	Skilled laborer.
Kelly, Miss Nellie A. . . . .		.....do . . . . .	p. d. 1. 25	.....do . . . . .	Do.
Feeny, Miss Margaret C. . . . .		.....do . . . . .	p. d. 1. 25	.....do . . . . .	Do.
Neale, Francis D. . . . .		War—Quartermaster's Department, Fort Myer, Va.	600. 00	Mar. 22, 1898	Steam engineer.
Cooksey, Miss Roda S. . . . .		Treasury—Bureau of Engraving and Printing.	p. d. 1. 25	Mar. 31, 1898	Skilled laborer.
Gartrell, Miss Alice A. . . . .		.....do . . . . .	p. d. 1. 25	.....do . . . . .	Do.
Mack, Miss Louise . . . . .		.....do . . . . .	p. d. 1. 25	.....do . . . . .	Do.
Garrison, Miss Sarah V. . . . .		.....do . . . . .	p. d. 1. 25	.....do . . . . .	Do.
Thompson, Miss Isabella. . . . .		Interior—Freedman's Hospital . . . . .	84. 00	.....do . . . . .	Pupil nurse.
Brez, Colman. . . . .		Agriculture—Animal Industry. . . . .	1, 000. 00	Apr. 1, 1898	Grinder.
Oliver, Charles C. . . . .		Navy—Secretary . . . . .	p. d. 3. 26	.....do . . . . .	Telegrapher (temporary).
Wilding, Miss Nellie C. . . . .		Treasury—Bureau of Engraving and Printing.	p. d. 1. 25	Apr. 2, 1898	Skilled laborer.
Willet, Philip J. . . . .		Navy—Nautical Almanac . . . . .	420. 00	Apr. 6, 1898	Messenger boy.
Elkins, Charles C. . . . .		Navy—Fort Lafayette, N. Y. . . . .	p. d. 2. 24	.....do . . . . .	Watchman.
Kennecester, Miss Lillian M. . . . .		Treasury—Bureau of Engraving and Printing.	p. d. 1. 25	Apr. 7, 1898	Skilled laborer.
Kulta, Miss Christina. . . . .		.....do . . . . .	p. d. 1. 25	.....do . . . . .	Do.
Hess, Miss Grace E. . . . .		.....do . . . . .	p. d. 1. 25	.....do . . . . .	Do.
Friaby, Miss Catherine K. . . . .		.....do . . . . .	p. d. 1. 25	Apr. 18, 1898	Do.
Ward, Miss Alice M. . . . .		.....do . . . . .	p. d. 1. 25	.....do . . . . .	Do.
Straub, Miss Marguerite T. . . . .		.....do . . . . .	p. d. 1. 25	.....do . . . . .	Do.
Stommel, Miss Ottilia J. . . . .		.....do . . . . .	p. d. 1. 25	Apr. 22, 1898	Do.
McCarty, Miss Elisabeth A. . . . .		.....do . . . . .	p. d. 1. 25	.....do . . . . .	Do.
Kline, Miss Mary E. . . . .		.....do . . . . .	p. d. 1. 25	.....do . . . . .	Do.
Corridon, Miss Katie M. . . . .		.....do . . . . .	p. d. 1. 25	.....do . . . . .	Do.
Broderick, Miss Mary E. . . . .		.....do . . . . .	p. d. 1. 25	.....do . . . . .	Do.
Gorman, Miss Margaret C. . . . .		.....do . . . . .	p. d. 1. 25	.....do . . . . .	Do.
Myers, Otto H. . . . .		Interior—Geological Survey. . . . .	p. d. 3. 00	Apr. 23, 1898	Comptroller.
Mack, Eugene W. . . . .		Treasury—Bureau of Engraving and Printing.	p. d. 930. 00	Apr. 27, 1898	Machinist.
				Apr. 29, 1898	

NAME	POSITION	PAY	DATE	STATUS
W. M. M. M. M.	Smithsonian Institution—National Museum.		May 1, 1898	Skilled laborer.
Mathieson, Harry	Interior—Government Hospital for the Insane.	216. 00	.....do	Attendant.
Cole, Miss Mary A.	Treasury—Bureau of Engraving and Printing.	168. 00	May 4, 1898	Do.
Mulcahey, Miss Mary A.	Interior—Government Hospital for the Insane.	p. d. 1. 25	.....do	Skilled laborer.
Walsh, Dennis	Interior—Government Hospital for the Insane.	216. 00	May 6, 1898	Attendant.
McNamara, William J.	Do.	216. 00	.....do	Do.
Hanson, Simeon E.	Do.	216. 00	.....do	Do.
Pulliam, John M.	Treasury—Bureau of Engraving and Printing.	450. 00	May 11, 1898	Hospital steward.
Donaldson, Miss Florence E.	Do.	p. d. 1. 25	.....do	Skilled laborer.
Doxon, Walter	Do.	2, 035. 00	.....do	Transferer.
Fague, Miss Annie S.	Do.	p. d. 1. 25	.....do	Skilled laborer.
Graham, Miss Catherine R.	Do.	p. d. 1. 25	.....do	Do.
King, Miss Ellen I.	Do.	p. d. 1. 25	.....do	Do.
Chatfield, Alonzo B., jr.	Smithsonian Institution.	p. m. 25. 00	May 14, 1898	Messenger boy.
Cochran, Miss Rhoda.	Treasury—Bureau of Engraving and Printing.	p. d. 1. 25	May 16, 1898	Skilled laborer.
Fought, Miss Emily G.	Do.	p. d. 1. 25	.....do	Do.
Santer, Miss Blanche H.	Do.	p. d. 1. 25	.....do	Do.
Ulke, Titus	War—Ordnance Department at large.	p. d. 3. 00	.....do	Assistant Inspector of Ordnance.
White, William L.	Interior—Government Hospital for the Insane.	216. 00	.....do	Skilled laborer.
Payne, Miss Elma E.	Treasury—Bureau of Engraving and Printing.	p. d. 1. 25	May 19, 1898	Do.
George, Horace R.	Interior—Patent.	560. 00	.....do	Messenger boy.
Murphy, John	Treasury—Bureau of Engraving and Printing.	626. 00	May 27, 1898	Skilled laborer.
Eisenblas, Miss Lillian R.	Do.	p. d. 1. 25	May 30, 1898	Do.
Ginst, Miss Alice D.	Do.	p. d. 1. 25	.....do	Do.
Weber, Miss Louise S.	Do.	p. d. 1. 25	.....do	Do.
Webster, Miss Mary C.	Do.	p. d. 1. 25	.....do	Do.
Cavanagh, Miss Maggie T.	Do.	p. d. 1. 25	.....do	Do.
Hanlon, Miss Maggie T.	Interior—Government Hospital for the Insane.	216. 00	June 1, 1898	Attendant.
Field, Frank C.	Interior—Patent.	360. 00	June 2, 1898	Messenger boy.
Douglas, Joseph B.	Treasury—Bureau of Engraving and Printing.	p. d. 1. 25	.....do	Skilled laborer.
Armiger, Miss Ellen M.	Treasury—Ellis Island, N. Y.	900. 00	June 4, 1898	Sanitary inspector.
Wetmore, William O.	Treasury—Bureau of Engraving and Printing.	p. d. 1. 25	June 6, 1898	Skilled laborer.
Robey, Miss Minnie C.	Do.	p. d. 1. 25	June 7, 1898	Do.
Whalley, Miss Mary A.	Do.	p. d. 1. 25	.....do	Do.
Wheeler, Miss Florence D.	Do.	p. d. 1. 25	.....do	Do.
McCase, Miss Emma V.	Do.	p. d. 1. 25	.....do	Do.
Stratton, Miss Clara R.	Do.	p. d. 1. 25	.....do	Do.
Spiegel, Miss Agnes C.	Do.	p. d. 1. 25	.....do	Do.
Green, William	Do.	p. d. 1. 25	.....do	Do.

TABLE 15.—Showing, by States and Territories, those appointed through examination in the classified departmental service, exclusive of the Indian and Railway Mail services, during the fiscal year ended June 30, 1898.—Continued.

Name.	Legal residence.	Probationary appointment.			Kind of examination—remarks.
		Department—bureau or office.	Salary.	Date.	
DISTRICT OF COLUMBIA—continued.					
Havener, Miss Bertha M.		Interior—Government Hospital for the Insane.	\$168.00	June 7, 1898	Attendant.
Huyett, Miss Emma S.		Treasury—Bureau of Engraving and Printing.	p. d. 1.25	.....do	Skilled laborer.
Howell, Miss Blanche C.		.....do	p. d. 1.25	June 8, 1898	Do.
Johnson, Edward D.		.....do	1,252.00	June 11, 1898	Pressman.
Johnston, Miss Edna E.		.....do	p. d. 1.25	June 15, 1898	Skilled laborer.
Smith, Miss Lillie.		.....do	p. d. 1.25	.....do	Do.
Huntt, Miss M. Edith.		.....do	p. d. 1.25	.....do	Do.
Hogan, Miss Edna.		.....do	p. d. 1.25	.....do	Do.
Gleason, Miss Helen A.		.....do	p. d. 1.25	.....do	Do.
Pipenbring, Miss M. D.		.....do	p. d. 1.25	.....do	Do.
Conaway, Miss Lucie C.		.....do	p. d. 1.25	June 16, 1898	Do.
Clark, Miss Martha.		.....do	p. d. 1.25	.....do	Do.
McGuigon, Miss Annie C.		.....do	p. d. 1.25	.....do	Do.
Yeatman, Miss Marinda Alice.		Smithsonian Institution.	720.00	.....do	Do.
Lamson, William M.		Navy—Washington Navy-Yard	p. d. 5.00	June 17, 1898	Junior engineer.
Doerfling, Richard G.		.....do	p. d. 5.00	June 20, 1898	Do.
French, Miss Janie.		Interior—Government Hospital for the Insane.	168.00	June 21, 1898	Attendant.
Hanger, Herbert B.		Smithsonian Institution.	p. m. 25.00	June 23, 1898	Messenger boy.
Banga, Mrs. Clara C.		Post-Office—First Assistant Postmaster-General.	600.00	.....do	Skilled laborer.
Stewart, Alex. P.		Navy—Washington Navy-Yard	p. d. 1.00	June 27, 1898	Messenger boy.
Frances, Miss Mary J.		Treasury—Bureau of Engraving and Printing.	p. d. 1.25	June 29, 1898	Skilled laborer.
Kintz, Miss Nellie A.		.....do	p. d. 1.25	.....do	Do.
Martin, Miss Mae.		.....do	p. d. 1.25	.....do	Do.
Walsh, Miss Marie E.		.....do	p. d. 1.25	.....do	Do.
Reardon, Miss May F.		.....do	p. d. 1.25	.....do	Do.
Seemee, Miss Grace H.		Post-Office—First Assistant Postmaster-General.	600.00	June 30, 1898	Modern languages.
FLORIDA.					
Swain, Eliza.	Monroe County	Treasury—Assistant custodian and janitor service, Key West.	720.00	Mar. 4, 1898	Janitor.
Gerham, Albert E.	Duval County	Navy—Key West Naval Station.	p. d. 9.00	Apr. 7, 1898	Messenger.

Phillips, Edwin M.	Monroe County	Treasury—Assistant custodian and janitor service, Key West.	600. 00	Apr. 8, 1898	Watchman.
Murray, Isaac.	do	Navy—Key West Naval Station.	p. d. 2. 00	do	Do.
Hammargren, Ernest L.	Duval County	Interior—Land Office, Gainesville.	900. 00	Apr. 18, 1898	Clerk-copyist.
Vickera, Richard.	Monroe County	Navy—Key West Naval Station.	p. d. 2. 00	Apr. 19, 1898	Janitor (messenger).
Jefferson, John E.	Duval County	do	p. d. 2. 00	May 4, 1898	Messenger.
Gates, Otis H.	Eustis County	Interior—Land Office, Gainesville.	600. 00	May 10, 1898	Clerk-copyist.
Tancré, William S.	Dade County	do	720. 00	May 23, 1898	Do.
GEORGIA.					
Coleman, Miss Georgia A.	Muscogee County	Interior—Freelman's Hospital.	84. 00	Sept. 14, 1897	Pupil nurse.
Merrill, Edward D.	Fulton County	War—Quartermaster's Department, Fort McPherson.	480. 00	Oct. 9, 1897	Assistant engineer.
Dozier, William H.	do	Treasury—Assistant custodian and janitor service, Atlanta.	600. 00	Jan. 17, 1898	Janitor.
Barbour, William H.	Fulton County	Treasury—Assistant custodian and janitor service, Atlanta.	800. 00	Feb. 14, 1898	Janitor.
Sexton, Miss Hattie M.	do	Treasury—Bureau of Engraving and Printing.	p. d. 1. 25	Mar. 5, 1898	Skilled laborer.
Gleason, John S.	Rockdale County	Navy—Dry Tortugas, Fla.	p. d. 3. 00	May 1, 1898	Junior engine inspector.
Battle, Henry L.	Fulton County	Navy—Port Royal Naval Station.	p. d. 3. 26	May 31, 1898	Stenography.
Harley, George F.	Hancock County	Agriculture—Animal Industry.	720. 00	June 18, 1898	Tagger.
IDAHO.					
Curry, John	Kootenai County	War—Quartermaster's Department, Fort Sherman.	900. 00	Nov. 8, 1897	Wheelwright.
McCracken, Robert	Bannock County	Interior—Surveyor-general, Idaho.	1, 000. 00	Jan. 6, 1898	Clerk-copyist.
Idell, John D.	Bingham County	do	900. 00	Jan. 7, 1898	Do
Curtis, John J.	Ada County	War	1, 000. 00	May 17, 1898	Stenography and typewriting (temporary).
ILLINOIS.					
Wood, Charles H.	Cook County	Fish Commission	720. 00	July 1, 1897	Stenography and typewriting.
McClure, Clyde B.	Ford County	War—Engineer Department, Milwaukee, Wis.	1, 500. 00	July 2, 1897	Junior engineer surveyor.
Herlocker, Orville H.	Vermillion County	Treasury—Bureau of Engraving and Printing.	939. 00	July 20, 1897	Plate cleaner.
Holt, Colt J.	Cook County	Treasury—Assistant treasurer, Chicago.	600. 00	Aug. 8, 1897	Post-office clerk; transfer.
O'Brien, Miss Helen E.	do	Agriculture—Bureau of Animal Industry, Chicago.	600. 00	Aug. 9, 1897	Clerk-copyist (assistant microscopist).
Goggin, Miss Mary F.	do	do	600. 00	do	Do
O'Brien, Miss Agnes B.	do	do	600. 00	do	Do
Charlesworth, Miss Mildred I.	do	do	600. 00	do	Do
Lawson, Miss Alice	do	do	600. 00	do	Do
O'Brien, Miss Julia H.	do	do	600. 00	do	Do
Scott, Walter A.	do	War—Record and Pension Office.	1, 000. 00	Aug. 23, 1897	Stenography and typewriting.
Kelly, Robert L.	Irving County	Agriculture—Bureau of Animal Industry.	1, 200. 00	Sept. 7, 1897	Meat inspector.





Moller, Oscar.....	Cook County .....	War—Quartermaster's Department, (Chicago).	024. 00	Jan. 25, 1898	Watchman.
Holloway, George W. J.....	Vermillion County ..	Post-Office—Fourth Assistant Post- master-General.	1, 200. 00	Jan. 28, 1898	Post-Office Inspector; transfer under Rule X.
Eells, Frank C.....	Ottawa County .....	Agriculture—Bureau of Animal In- dustry.	1, 200. 00	Mar. 1, 1898	Meat inspector.
Rishet, Albert E.....	Cook County.....	do .....	1, 200. 00	Mar. 4, 1898	Do.
Hope, James G.....	do .....	do .....	1, 200. 00	.....do .....	Do.
Grimm, Louis.....	Jo Daviess County.....	Treasury—Assistant custodian and janitor service, Galena.	600. 00	.....do .....	Fireman.
Peterson, Mary L. L.....	Cook County.....	Agriculture—Bureau of Animal In- dustry.	600. 00	Mar. 21, 1898	Assistant microscopist.
Savage, Willard A.....	Will County.....	do .....	1, 200. 00	Apr. 1, 1898	Meat inspector.
Lythe, George A.....	Cook County.....	do .....	1, 200. 00	.....do .....	Do.
Curtis, Dr. Austin M.....	do .....	Interior—Freedman's Hospital.....	3, 000. 00	.....do .....	Surgeon-in-chief, Freedman's Hospital.
Armstrong, Miss Maud S.....	do .....	Agriculture—Bureau of Animal In- dustry.	600. 00	Apr. 6, 1898	Assistant microscopist.
Barry, Miss Gertrude M.....	do .....	do .....	600. 00	.....do .....	Do.
Bonds, Miss Estella C.....	do .....	do .....	600. 00	.....do .....	Do.
Davis, Miss Estelle G.....	do .....	do .....	600. 00	.....do .....	Do.
McDonnell, Miss Rosanna.....	do .....	do .....	600. 00	.....do .....	Do.
Donegan, Miss Elizabeth M.....	do .....	do .....	600. 00	.....do .....	Do.
McCristal, Miss Ella C.....	do .....	do .....	600. 00	Apr. 11, 1898	Do.
Hammond, John C.....	do .....	Navy—Nautical Almanac.....	1, 000. 00	.....do .....	Computer, Nautical Almanac Office.
Ingram, Sarah A.....	do .....	Agriculture—Bureau of Animal In- dustry.	600. 00	.....do .....	Assistant microscopist.
Wilezynski, Ernest J.....	do .....	Navy—Nautical Almanac.....	Piece work	Apr. 14, 1898	Computer, Nautical Almanac Office.
Tuck, Richard W.....	Kane County .....	Agriculture—Bureau of Animal In- dustry.	1, 200. 00	Apr. 18, 1898	Meat inspector.
Young, Charles J.....	Cook County .....	Navy—New York Navy-Yard.....	p. d. 3. 28	Apr. 26, 1898	Mechanical draftsman.
Gathercoat, Edmund N.....	do .....	Treasury—Marine-Hospital Service	600. 00	May 1, 1898	Hospital steward.
Stark, Charles .....	Macon County.....	Agriculture—Bureau of Animal In- dustry.	720. 00	May 2, 1898	Tagger.
Baker, Miss Ada H.....	Sangamon County.....	do .....	600. 00	June 10, 1898	Assistant microscopist.
Cunnelly, Miss Mary.....	St. Clair County.....	do .....	600. 00	.....do .....	Do.
Finch, Miss Pearl May.....	Madison County.....	do .....	600. 00	.....do .....	Do.
Vest, Miss Henrietta M.....	Sangamon County.....	do .....	600. 00	.....do .....	Do.
Houseman, Miss Corn A.....	St. Clair County.....	do .....	600. 00	.....do .....	Do.
Klingel, Miss Anna.....	Madison County.....	do .....	600. 00	.....do .....	Do.
Lorey, Miss Louise M.....	Cook County .....	do .....	600. 00	.....do .....	Do.
Pauly, Miss Mamie .....	Madison County.....	do .....	600. 00	.....do .....	Do.
Kopiequet, Miss Laura S.....	St. Clair County.....	do .....	600. 00	.....do .....	Do.
Schnell, Miss Martha.....	do .....	do .....	600. 00	.....do .....	Do.
Shadle, John T.....	Cook County .....	Interior—General Land Office .....	900. 00	June 14, 1898	Stenography and typewriting.
Turvey, George S.....	do .....	Treasury—Appraiser's stores, Chi- cago.	720. 00	June 15, 1898	Fireman.
Elliott, Miss Mary.....	La Salle County ....	Treasury—Bureau of Engraving and Printing.	p. d. 1. 25	June 29, 1898	Skilled laborer.
Filer, Herbert A .....	Cook County.....	Civil Service Commission .....	840. 00	June 27, 1898	Stenography and typewriting.

ABLE 15.—Showing, by States and Territories, those appointed through examination in the classified departmental service, exclusive of the Indian and Railway Mail services, during the fiscal year ended June 30, 1898.—(Continued.)

Name.		Legal residence.	Probationary appointment.		Kind of examination - remarks.	
			Department - bureau or office.	Salary.	Date.	
INDIANA.						
Jones, Frederick		Marion County	Interior—Pension	\$1,000.00	July 1, 1897	Special pension examiner.
Field, Francis Louie		Vanderburg County	Treasury—Revenue-Cutter Service.	500.00	Aug. 10, 1897	Cadet, Revenue-Cutter Service.
Greist, Lewis T.		Marion County	Interior—Patent	720.00	Aug. 18, 1897	Stenography and typewriting.
Cheatham, Robert J.		Vigo County	Treasury—Assistant custodian and janitor service, Terre Haute.	660.00	Aug. 28, 1897	Janitor.
Hildebrand, William		Switzerland County	War—Quartermaster's department, Jeffersonville.	480.00	Sept. 2, 1897	Messenger.
Friedersdorff, Charles		Jefferson County	Treasury—Assistant custodian and janitor service, Madison.	600.00	Nov. 17, 1897	Janitor.
Keller, Miss Lizzie		Marion County	Agriculture—Bureau of Animal Industry.	600.00	Dec. 20, 1897	Assistant microscopist.
Daugherty, Miss Elsie E.		do	do	600.00	Feb. 1, 1898	Do.
Mitchell, John R.		Vanderburg County	do	1,200.00	do	Meat inspector.
Pickens, Miss Mattie H.		Hendricks County	do	600.00	do	Assistant microscopist.
Robinson, Miss Rachael E.		Marion County	do	600.00	do	Do.
Stewart, Miss Daisy		do	do	600.00	do	Do.
Walton, James S.		do	Treasury—Assistant custodian and janitor service, Indianapolis.	900.00	Feb. 5, 1898	Engineer.
George, Harrison H.		Hamilton County	Agriculture—Bureau of Animal Industry.	1,200.00	Feb. 23, 1898	Meat inspector.
Jones, George N.		Rush County	do	840.00	Mar. 10, 1898	Clerk-copyist.
Merritt, George S.		Floyd County	War—Quartermaster's department, Jeffersonville.	480.00	Mar. 14, 1898	Watchman.
Goodpasture, Carroll O.		Vanderburg County	Agriculture—Bureau of Animal Industry.	1,000.00	Mar. 21, 1898	Clerk-copyist.
Gaines, Hogan		Huntington County	do	720.00	Apr. 1, 1898	Tagger.
Speake, Edward O.		Sullivan County	do	720.00	do	Do.
Dodd, William H.		St. Joseph County	Treasury—Assistant custodian and janitor service, South Bend.	600.00	Apr. 8, 1898	Janitor-streman.
Tremaine, Miss Eunice D.		Delaware County	Agriculture—Bureau of Animal Industry.	600.00	May 1, 1898	Assistant microscopist (temporary)
Beverin, Miss Hulda		Dearborn County	do	600.00	do	Do.
Hill, Leonore C.		Tippecanoe County	Agriculture—Agronomy.	720.00	do	Do.
Farabee, Miss Gertrude M.		Hendricks County	Treasury—Bureau of Engraving and Printing.	p. d. 1.25	May 11, 1898	Skilled laborer
IOWA.						
Thompson, Western T.		Delaware County	Fish Commission	640.00	July 1, 1897	Fish culturist.
Miller, Virgil C.		Jones County	Smithsonian Institution—National Museum.	600.00	Oct. 20, 1897	Typewriting

Madden, Lamar E .....	Polk County .....	Navy—Navy-yard, New York .....	p. d. 2. 24	Nov. 3, 1897	Bookkeeping.
Rocheater, Edwin R. ....	Linn County .....	War—Record and Pension Office ..	1,000. 00	Nov. 18, 1897	Stenography and typewriting.
Page, James S. ....	Polk County .....	Treasury—Assistant custodian and	720. 00	Nov. 23, 1897	Fireman.
	do .....	janitor service, Des Moines.			
Morris, Cyrus, jr. ....	do .....	Navy—Judge-Advocate-General....	900. 00	Nov. 29, 1897	Bookkeeping.
Luce, Miss Kate R. ....	Cook County .....	Agriculture—Bureau of Animal In-	600. 00	Dec. 17, 1897	Assistant microscopist.
	do .....	dustry.			
Haddock, William R. ....	Polk County .....	Smithsonian Institution—National In-	p. m. 75. 00	Dec. 20, 1897	Stenography and typewriting.
	do .....	Museum.			
Aiken, Llewellyn C. ....	Blackhawk County ..	Agriculture—Bureau of Animal In-	720. 00	Feb. 1, 1898	Tagger.
	do .....	dustry.			
Edwards, Miss Eulalia .....	Van Buren County ..	do .....	000. 00	Feb. 7, 1898	Assistant microscopist.
Ainsworth, Fred W. ....	Worth County .....	do .....	1,200. 00	do .....	Meat inspector.
Carnachan, Thomas W. ....	Linn County .....	do .....	1,200. 00	Feb. 10, 1898	Do.
Blanche, Richard J. ....	Grundy County .....	do .....	1,200. 00	Feb. 23, 1898	Do.
Clements, Melville F. ....	Wapello County .....	Post-Office—Topographer .....	900. 00	Feb. 26, 1898	Topographic draftsman.
Cooper, Dean G. ....	Buchanan County ..	Agriculture—Bureau of Animal In-	1,200. 00	Mar. 4, 1898	Meat inspector.
	do .....	dustry.			
McNeill, Charles E. ....	Scott County .....	do .....	1,200. 00	do .....	Do.
Stewart, Charles E. ....	Johnson County .....	Post-Office—Fourth Assistant Post-	1,200. 00	Mar. 5, 1898	Post-office inspector; transfer from R. M. S..
	do .....	master-General.			
Server, Melvin P. ....	Fremont County .....	Agriculture—Bureau of Animal In-	720. 00	Mar. 9, 1898	Tagger.
	do .....	dustry.			
Meyers, Frank E. ....	Johnson County .....	War—Secretary .....	900. 00	Mar. 14, 1898	Cabinetmaker.
Burrows, Orville C. ....	Polk County .....	Agriculture—Weather Bureau.	900. 00	Apr. 1, 1898	Observer.
Von Dorn, Calvin W. ....	Calhoun County .....	Agriculture—Bureau of Animal In-	720. 00	Apr. 11, 1898	Tagger.
	do .....	dustry.			
Lincoln, Willis B. ....	Story County .....	do .....	1,200. 00	do .....	Meat inspector.
Shafer, Cecil K. ....	Crawford County .....	do .....	720. 00	do .....	Tagger.
Chickering, Miss Mary E. ....	Linn County .....	do .....	000. 00	Apr. 18, 1898	Assistant microscopist.
Christie, Miss Lucz J. ....	do .....	do .....	000. 00	do .....	Do.
Holmes, Miss Clara E. ....	do .....	do .....	000. 00	do .....	Do.
St. John, Miss Maud .....	do .....	do .....	000. 00	do .....	Do.
Wall, Miss Mae Searles .....	do .....	do .....	000. 00	do .....	Do.
Ulrich, Miss Eugenie .....	do .....	do .....	000. 00	do .....	Do.
Terple, Miss Hennie I. ....	Woodbury County ..	do .....	000. 00	May 7, 1898	Do.
Strange, Miss Anna R. ....	do .....	do .....	000. 00	do .....	Do.
Spalding, Miss Alice E. ....	do .....	do .....	000. 00	do .....	Do.
Adams, Miss Mary E. ....	do .....	do .....	000. 00	do .....	Do.
Allyn, Miss Amelia M. ....	Linn County .....	do .....	000. 00	May 9, 1898	Do.
Bailey, Miss Edith A. ....	Woodbury County ..	do .....	000. 00	May 16, 1898	Do.
Brittan, Miss Martha A. ....	Linn County .....	do .....	000. 00	do .....	Do.
Bryant, Miss Ursula P. ....	do .....	do .....	000. 00	do .....	Do.
Cowan, Miss Tresey .....	do .....	do .....	000. 00	do .....	Do.
Hartley, Miss May M. ....	do .....	do .....	000. 00	do .....	Do.
Harvey, Miss Jennie M. ....	Jones County .....	do .....	000. 00	do .....	Do.
Hopkins, Miss Carolyn M. ....	Linn County .....	do .....	000. 00	do .....	Do.
Knox, Miss Isabel D. ....	do .....	do .....	000. 00	do .....	Do.
Pendleton, Miss Mary L. ....	Woodbury County ..	do .....	000. 00	do .....	Do.
Spafard, Miss Goldie B. ....	Linn County .....	do .....	000. 00	do .....	Do.
Townsend, Miss Clara E. ....	O'Brien County .....	do .....	000. 00	do .....	Do.
Wolf, Miss Edith L. ....	Linn County .....	do .....	000. 00	do .....	Do.

TABLE 15.—Showing, by States and Territories, those appointed through examination in the classified departmental service, exclusive of the Indian and Railway Mail services, during the fiscal year ended June 30, 1898—Continued.

Name.	Legal residence.	Probationary appointment.		Date.	Kind of examination—remarks.
		Department—bureau or office.	Salary.		
IOWA—continued.					
Conner, William E.....	Wapello County.....	Treasury—Assistant custodian and janitor service, Ottumwa	\$600.00	June 1, 1898	Janitor.
McCormick, Charles H.....	Monroe County.....	Agriculture—Bureau of Animal Industry.	720.00	June 6, 1898	Tagger.
MacFarland, Miss Beulah....	Johnson County.....	do	600.00	June 9, 1898	Assistant microscopist.
MacFarland, Miss Winifred..	do	do	600.00	do	Do.
Stevens, Miss Margaret E....	Wapello County.....	do	600.00	do	Do.
Hunter, Miss Martha S.....	do	do	600.00	do	Do.
Barnes, Miss Harriet E.....	do	do	600.00	do	Do.
Cone, Mrs. Fannie.....	do	do	600.00	do	Do.
White, Miss Vinnie T.....	do	do	600.00	do	Do.
Holman, Miss Maude D.....	do	do	600.00	June 16, 1898	Do.
Farr, Miss M. Allens.....	Linn County.....	do	600.00	June 20, 1898	Do.
Miller, Chester.....	Wapello County.....	do	1,200.00	June 22, 1898	Meat inspector.
KANSAS.					
Ainsworth, Daniel H.....	Harvey County.....	Interior—Land Service, Guthrie, Okla.	1,000.00	Aug. 8, 1897	Typewriting.
Greene, Frank H.....	Neosho County.....	Navy—Mare Island Navy-Yard.....	p. d. 5.00	Aug. 14, 1897	Junior engineer inspector.
Spilman, William R.....	Riley County.....	Navy—Judge-Advocate-General....	900.00	Nov. 4, 1897	Stenography and typewriting.
Cox, Herbert F.....	Geary County.....	War—Quartermaster's Department, Fort Bayard.	960.00	Nov. 5, 1897	Mechanical engineer.
Woods, George C.....	Douglas County.....	War—Quartermaster's Department, Fort Riley.	900.00	Nov. 9, 1897	Plumber.
Buell, Miss Julia L.....	Franklin County....	Post-Office—Post-office inspector, Cincinnati, Ohio.	1,000.00	Dec. 7, 1897	Clerk; transfer under Rule X.
Martin, Miss Millie.....	Wyandotte County..	Agriculture—Bureau of Animal Industry.	600.00	Dec. 20, 1897	Assistant microscopist.
Olson, Miss Louise C.....	do	do	600.00	Jan. 3, 1898	Do.
Williams, Miss Cora L.....	do	do	600.00	Jan. 10, 1898	Do.
Georgeson, Charles C.....	Riley County.....	Agriculture—Agrostology.....	1,400.00	Jan. 13, 1898	Assistant, Department of Agriculture.
Armstrong, Miss Anna B....	Wyandotte County..	Agriculture—Bureau of Animal Industry.	600.00	Jan. 17, 1898	Assistant microscopist.
Barteaux, Miss Ella.....	Lawrence County....	Post-Office—Office of Inspector, Denver.	1,000.00	Jan. 22, 1898	Clerk; transfer under Rule X.
Wherrell, Miss Jennie B....	Wyandotte County..	Agriculture—Bureau of Animal Industry.	600.00	Feb. 1, 1898	Assistant microscopist.
Rowles, Miss Maude K.....	Shawnee County....	do	600.00	do	Do.
Bale, Miss Anna K.....	Wyandotte County..	do	600.00	Feb. 7, 1898	Do.

NAME.	COUNTY.	POSITION.	AMOUNT.	DATE.	REMARKS.
Jones, Miss Maria	do	do	600. 00	do	Do.
Waldo, Miss Clara M.	do	do	600. 00	Mar. 1, 1898	Clerk copyist.
Clark, George W.	Mitchell County	do	600. 00	Mar. 19, 1898	Weather observer.
Relden, William S.	Brown County	Agriculture—Bureau of Animal Industry.	720. 00	Mar. 25, 1898	Tagger.
Atherton, James F.	Douglas County	do	720. 00	do	Do.
March, Samuel F.	Wyandotte County	Post-Office—Fourth Assistant Postmaster-General.	1,200. 00	Apr. 12, 1898	Clerk-copyist; transfer under Rule X.
Lusk, Miss Laura	Labette County	Agriculture—Bureau of Animal Industry.	720. 00	Apr. 15, 1898	Tagger.
Gaines, Moses W.	Douglas County	do	720. 00	do	Do.
Crancroft, T. Bryon	Wyandotte County	do	720. 00	do	Do.
Biggs, John S.	Sedgwick County	Treasury—Marine-Hospital Service	720. 00	May 2, 1898	Hospital steward.
Mason, Myron R.	Douglas County	Agriculture—Bureau of Animal Industry.	600. 00	May 20, 1898	Tagger.
Yonner, William	Wyandotte County	do	720. 00	June 1, 1898	Meat inspector.
Bird, William N. D.	Cowley County	do	1,200. 00	June 3, 1898	(Observer).
Wren, Henry B.	Johnson County	Agriculture—Bureau of Animal Industry.	840. 00	June 18, 1898	Tagger.
Games, John I.	Douglas County	do	720. 00	June 24, 1898	Stenography and typewriting.
Gilluly, Ross B.	Jefferson County	Navy—Bureau of Supplies and Accounts.	p. d. 2.48		
KENTUCKY.					
Little, George T.	Madison County	Treasury—Assistant custodian and janitor service, Richmond.	600. 00	Sept. 21, 1897	Janitor.
Saunders, Charles H.	Jefferson County	Treasury—Assistant custodian and janitor service, Louisville.	600. 00	Sept. 28, 1897	Skilled laborer.
McKee, Edward L.	Greenup County	Post-Office—Fourth Assistant Postmaster-General.	1,200. 00	Jan. 28, 1898	Post-office inspector; transfer under Rule X.
Erskine, Frank G., jr.	Jefferson County	Agriculture—Weather Bureau.	840. 00	Feb. 19, 1898	Observer.
Bond, George A.	do	Agriculture—Bureau of Animal Industry.	1,200. 00	Feb. 24, 1898	Meat inspector.
Saffell, William S.	Franklin County	Treasury—Assistant custodian and janitor service, Frankfort.	660. 00	Mar. 1, 1898	Janitor.
Bundesman, Arnold C.	McCracken County	Treasury—Assistant custodian and janitor service, Paducah.	600. 00	do	Do.
Rankins, Charles H.	Madison County	Treasury—Assistant custodian and janitor service, Richmond.	600. 00	Apr. 11, 1898	Watchman.
Carlisle, Charles S.	Kenton County	Treasury—Auditor for Navy	1,005. 00	June 9, 1898	No examination required; transfer under Rule X.
Lee, Miss Georgia C.	Marion County	Post-Office—First Assistant Postmaster-General.	900. 00	June 10, 1898	Clerk.
Garth, Miss Katie C.	Todd County	Treasury—Auditor for Navy	900. 00	June 22, 1898	Clerk-copyist; transfer under Rule X.
LOUISIANA.					
Fourchy, André	Orleans Parish	Treasury—Life-Saving Service	p. m. 100. 00	July 31, 1897	Superintendent of construction.
Cross, Reuben S.	do	War—Engineer department, New Orleans.	p. m. 90. 00	Aug. 17, 1897	Stenography and typewriting.



TABLE 15.—Showing, by States and Territories, those appointed through examination in the classified departmental service, exclusive of the Indian and Railway Mail services, during the fiscal year ended June 30, 1898—Continued.

Name.	Legal residence.	Probationary appointment.		Kind of examination—remarks.	
		Department—bureau or office.	Salary.		
LOUISIANA—continued.					
Calderwood, James.....	Ouachita Parish.....	Treasury—Assistant custodian and janitor service, Monroe.	\$540.00	Aug. 19, 1897	Watchman.
Wilson, Allan V.....	Caddo Parish.....	Treasury—Assistant custodian and janitor service, Shreveport.	600.00	Sept. 11, 1897	Janitor.
Leahy, Robert E.....	Orleans Parish.....	Treasury—Assistant custodian and janitor service, New Orleans.	600.00	Oct. 12, 1897	Skilled laborer.
Schulze, William.....	Ouachita Parish.....	Smithsonian Institution.....	p. m. 45.00	Nov. 3, 1897	Watchman.
Mightower, Jeremiah M.....	Caddo Parish.....	Treasury—Assistant custodian and janitor service, Shreveport.	600.00	Feb. 23, 1898	Janitor.
Panley, Charles E.....	Orleans Parish.....	Agriculture—Weather Bureau.....	1,200.00	Mar. 21, 1898	Observer.
Tucker, Philo A.....	do.....	Navy—Supplies and Accounts.....	p. d. 2.80	Apr. 5, 1898	Book keeping.
Miller, Thomas M.....	do.....	Navy—Construction and Repair.....	p. d. 2.80	Apr. 18, 1898	Typewriting.
Slaughter, William E.....	do.....	Navy—Supplies and Accounts.....	p. d. 2.48	Apr. 30, 1898	Book keeping.
Sullivan, Charles B.....	do.....	Treasury—Assistant custodian and janitor service, New Orleans.	720.00	May 23, 1898	Fireman.
MAINE.					
Buck, William O.....	Hancock County ..	Fish Commission—Division of Fish Culture.	540.00	July 1, 1897	Fish-culturist.
Dinamore, Albert H.....	Piscataquis County.....	do.....	600.00	do.....	Do.
McDonald, John H.....	Hancock County.....	do.....	600.00	July 15, 1897	Do.
Deehan, Miss Edith H.....	Kennebec County ..	Interior—Patent.....	720.00	Aug. 30, 1897	Stenography and typewriting.
Alexander, Frank W.....	do.....	Navy—New York Navy Yard.....	p. d. 2.24	Sept. 18, 1897	Book keeping.
Pike, Miss Klara M.....	Androscoggin County.....	Interior—Patent.....	720.00	Nov. 3, 1897	Stenography and typewriting.
Andrews, William B.....	Cumberland County.....	Treasury—Light-House Service.....	p. m. 75.00	Nov. 22, 1897	Clerk-copyist.
Thompson, Harry Q.....	do.....	Agriculture—Bureau of Animal Industry.	1,200.00	Feb. 1, 1898	Meat inspector.
Hooper, John K.....	do.....	Agriculture—Weather Bureau.....	900.00	Mar. 19, 1898	Observer.
Hackley, Valmore D.....	Sagadahoc County..	Treasury—Assistant custodian and janitor service, Bath.	600.00	Apr. 8, 1898	Janitor.
Smith, Miss Rachel G.....	do.....	Justice.....	900.00	Apr. 25, 1898	Clerk; transfer under Rule X.
MARYLAND.					
Price, Henry M.....	Baltimore County....	Treasury—Supervising Architect ..	1,200.00	July 3, 1897	Heating and ventilating draftsman.
Alder, Miss Nellie C.....	Montgomery County ..	Treasury—Bureau of Engraving and Printing.	p. d. 1.25	July 6, 1897	Printer's assistant.
Spence, Miss Ada B.....	Baltimore County ..	do.....	p. d. 1.25	do.....	Do.
Bovera, William B.....	do.....	Post-Office—Mail bag repair shop.	900.00	Aug. 6, 1897	Mailmaker.

Perry, Stephen S.	Charles County	Interior—Government Hospital for the Insane.	216.00	Sept. 1, 1897	Attendant.
Hale, Clinton M.	Prince George County.	do	216.00	Sept. 4, 1897	Do.
Dutrow, John F.	Frederick County.	do	216.00	do	Do.
Werth, Miss Somerville V.	Baltimore County.	do	168.00	Sept. 7, 1897	Do.
Albrittain, Miss Nannie.	Charles County.	Treasury—Bureau of Engraving and Printing.	p.d. 1.25	Sept. 10, 1897	Printer's assistant.
Clark, Joseph A.	Baltimore County.	Treasury—Coast and Geologic Survey.	900.00	Sept. 24, 1897	Instrument maker.
Storr, Charles H.	Frederick County.	Navy—New York Navy-Yard.	p.d. 2.48	Sept. 23, 1897	Bookkeeping.
Douglas, Miss Mary M.	Prince George County.	Treasury—Bureau of Engraving and Printing.	p.d. 1.25	Nov. 6, 1897	Skilled laborer.
Lusby, Miss Lillian M.	do	Interior—Government Hospital for the Insane.	108.00	Nov. 15, 1897	Attendant.
Ammon, Francis D.	do	Navy—Steam Engineering.	1,000.00	do	Assistant draftsman.
Taylor, John H. C.	do	Interior—Government Hospital for the Insane.	216.00	Nov. 16, 1897	Attendant.
Pumphrey, James W.	do	Post-Office—Mail bag repair shop.	216.00	Dec. 4, 1897	Do.
Weitzel, Jacob C.	Baltimore County.	do	Piece rates	Dec. 6, 1897	Sailmaker.
Seward, John A.	do	do	do	do	Do.
Chaney, Jr., Charles B.	do	Navy—New York Navy-Yard.	p.d. 3.04	Dec. 8, 1897	Mechanical draftsman.
Clayton, Isaac E.	Cecil County.	Post-Office—Mail bag repair shop.	Piece rates	Dec. 13, 1897	Leather worker.
Simon, Louis A.	Baltimore County.	Treasury—Supervising Architect.	1,400.00	Dec. 14, 1897	Architectural draftsman.
Morey, Jr., William	Montgomery County.	War—Adjutant-General.	1,000.00	Dec. 23, 1897	Topographic draftsman.
Krug, William F.	Baltimore County.	Treasury—Light-House Service, tender Maple.	p.m. 75.00	Dec. 27, 1897	Assistant engineer.
Weaver, Samuel M.	do	Post-Office—Mail-bag repair shop.	Piece rates.	do	Sailmaker.
Brownley, Lemuel F.	do	do	Piece rates.	Jan. 3, 1898	Do.
Selgmund, William C.	do	Agriculture—Bureau of Animal Industry.	1,200.00	Jan. 17, 1898	Meat inspector.
Twelbeck, Henry H.	do	Interior—Geological Survey.	p.d. 3.40	do	Map printer.
Russell, John F.	St. Marys County.	Interior—Government Hospital for the Insane.	216.00	Jan. 22, 1898	Attendant.
Ward, Presley H.	Prince George County.	do	216.00	do	Do.
Welsh, John S.	Montgomery County.	do	216.00	Feb. 1, 1898	Do.
Swann, Miss Gertrude	St. Marys County.	do	168.00	Feb. 9, 1898	Do.
Swann, Miss Ruth M.	do	do	168.00	Feb. 23, 1898	Do.
Buckley, John S.	Baltimore County.	Agriculture—Bureau of Animal Industry.	1,200.00	Mar. 1, 1898	Meat inspector.
Dean, Joseph M.	Prince George County.	Interior—Government Hospital for the Insane.	216.00	Mar. 4, 1898	Attendant.
Sampson, Miss Elizabeth S.	do	Treasury—Bureau of Engraving and Printing.	p.d. 1.25	Mar. 21, 1898	Skilled laborer.
Loney, William R.	Baltimore County.	Justice	900.00	Apr. 4, 1898	Stenography and typewriting.
Netre, Miss Georgia W.	do	Treasury—Bureau of Engraving and Printing.	p.d. 1.25	do	Skilled laborer.
Morgan, Miss Emily M.	do	do	p.d. 1.25	Apr. 7, 1898	Do.
Lander, Miss Anna H.	do	do	p.d. 1.25	Apr. 23, 1898	Do.
Tolson, Miss Nettie M.	Prince George County.	do	p.d. 1.25	Apr. 25, 1898	Do.

TABLE 15.—Showing, by States and Territories, those appointed through examination in the classified departmental service, exclusive of the Indian and Railway Mail services, during the fiscal year ended June 30, 1898—Continued.

Name.	Legal residence.	Probationary appointment.			Kind of examination—remarks.
		Department—bureau or office.	Salary.	Date.	
MARYLAND—continued.					
Booze, Walter H .....	Baltimore County ..	Post-Office—Fourth Assistant Post-master-General.	\$1, 200. 00	Apr. 26, 1898	Post-office inspector; transfer under Rule X.
Duffy, John J .....	Prince George County.	Navy—Secretary .....	420. 00	Apr. 29, 1898	Messenger boy.
Cummins, Joseph V. L .....	Baltimore County ..	Interior—Government Hospital for the Insane.	216. 00	May 4, 1898	Attendant.
Ketner, Miss Ellie R .....	Prince George County.	Treasury—Bureau of Engraving and Printing.	p. d. 1. 25	May 11, 1898	Skilled laborer.
McAtee, Miss Alice .....	Montgomery County ..	.....do .....	p. d. 1. 25	May 13, 1898	Do.
Reid, Clyde .....	Prince George County.	Navy—League Island Navy-Yard ..	p. d. 2. 48	June 1, 1898	Typewriting; temporary appointment.
Corby, William P .....	.....do .....	Interior—Government Hospital for the Insane.	210. 00	.....do .....	Attendant.
Cramer, Harry B .....	Montgomery County ..	Navy—Norfolk Navy-Yard .....	p. d. 2. 48	June 9, 1898	Book keeping (temporary).
Thorne, George B .....	Prince George County.	Interior—Government Hospital for the Insane.	216. 00	June 15, 1898	Attendant.
Duffy, Miss Rose Frances .....	.....do .....	Treasury—Bureau of Engraving and Printing.	p. d. 1. 25	June 16, 1898	Skilled laborer.
Gulsta, Elmo U .....	.....do .....	Navy—Washington Navy-Yard .....	p. d. 1. 00	June 27, 1898	Messenger boy.
Crisp, Miss Mary K .....	Baltimore County ..	Treasury—Bureau of Engraving and Printing.	p. d. 1. 25	June 29, 1898	Skilled laborer.
MASSACHUSETTS.					
Eddy, John R .....	Suffolk County .....	Smithsonian—Zoological Park .....	p. m. 75. 00	July 1, 1897	Landscape gardener.
Sullivan, John S .....	.....do .....	Navy—Boston Navy-Yard .....	p. d. 3. 26	July 14, 1897	Stenography and typewriting.
Fernan, John J .....	.....do .....	War—Engineer Department, at large.	1, 200. 00	July 10, 1897	Do.
Newell, Herbert D .....	Hamptden County .....	.....do .....	1. 200. 00	July 21, 1897	Junior engineer surveyor.
Matthews, Michael J .....	Middlesex County ..	Navy—Boston Navy-Yard .....	p. d. 2. 00	Aug. 7, 1897	Watchman.
Morne, John W .....	.....do .....	Treasury—Revenue-Cutter Service.	500. 00	Aug. 16, 1897	Cadet, Revenue-Cutter Service.
Malloy, Thomas M .....	Worcester County ..	.....do .....	500. 00	.....do .....	Do.
Pope, Henry W .....	.....do .....	.....do .....	500. 00	.....do .....	Do.
Peterson, Roscoe Lloyd .....	Branch County .....	.....do .....	500. 00	.....do .....	Do.
Dennison, Edward B .....	Middlesex County ..	War—Ordnance Department, at large.	p. d. 2. 50	Sept. 1, 1897	Stenography and typewriting.
Herrick, John A .....	Suffolk County .....	Treasury—Assistant custodian and	600. 00	Sept. 2, 1897	Elevator conductor.

Mayall, C. Clinton	Essex County	Navy—New York Navy-Yard	p. d. 2. 24	Oct 6, 1897	Bookkeeping.
Flies, Leonard L.	Middlesex County	Treasury—Assistant custodian and janitor service, Boston.	720. 00	Nov. 12, 1897	Fireman.
Wilson, William H.	Suffolk County	do	720. 00	Nov. 19, 1897	Do.
Brieblin, William T.	Bristol County	Treasury—Light-House Service	p. m. 65. 00	Dec. 14, 1897	Assistant engineer, Light-House Service.
Tuttle, jr., John M.	Essex County	Treasury—Assistant custodian and janitor service, Boston.	720. 00	Dec. 15, 1897	Fireman.
Oldham, John P.	Norfolk County	do	720. 00	do	Do.
Hobson, Richard S.	Essex County	Treasury—Assistant custodian and janitor service, Lynn.	600. 00	Dec. 28, 1897	Watchman.
French, Arthur E.	Middlesex County	Interior—Government Hospital for the Insane.	216. 00	Jan. 14, 1898	Attendant.
Muldowney, Patrick H.	Norfolk County	Agriculture—Bureau of Animal Industry.	1, 200. 00	Jan. 17, 1898	Meat inspector.
Holbrook, William E.	Essex County	Interior—Pension agency, Lynn	Fees.	Jan. 19, 1898	Pension examining surgeon.
Eaton, Miss Luella M.	Middlesex County	Agriculture—Bureau of Animal Industry.	600. 00	Feb. 1, 1898	Assistant microscopist.
Jeffrey, James G.	Essex County	do	720. 00	do	Tagger.
Leland, Henry	Worcester County	do	720. 00	do	Do.
Bresnahan, Cornelius A.	Suffolk County	Fish Commission	600. 00	Feb. 11, 1898	Fireman.
Bartlett, James L.	Hampshire County	Agriculture—Weather Bureau	840. 00	Feb. 21, 1898	Observer.
Way, William H.	Middlesex County	do	1, 200. 00	Feb. 23, 1898	Meat inspector.
Woodwell, Julian E.	Suffolk County	Treasury—Supervising Architect	1, 600. 00	do	Examiner mints (appointed electrical draftsman).
Thilly, John	do	War—Quartermaster's department at Boston.	600. 00	Feb. 24, 1898	Fireman.
Price, William H.	Norfolk County	Navy—Boston Navy-Yard	p. d. 2. 56	Mar. 7, 1898	Stenography and typewriting.
Fitzgerald, Edmund D.	Suffolk County	Agriculture—Bureau of Animal Industry.	720. 00	Mar. 10, 1898	Tagger.
Noyes, G. Harold	Essex County	Agriculture—Weather Bureau	900. 00	Mar. 16, 1898	Observer.
Linnane, Patrick C.	Bristol County	Fish Commission	600. 00	Mar. 30, 1898	Watchman-fireman.
Dolan, Frederick T.	Suffolk County	Agriculture—Bureau of Animal Industry.	1, 200. 00	Apr. 1, 1898	Meat inspector.
Gilman, John L.	Essex County	do	840. 00	do	Clerk-copyist.
Matthes, François E.	Suffolk County	Interior—Geological Survey	900. 00	do	Assistant topographer.
Burgess, Howard M.	Bristol County	Agriculture—Bureau of Animal Industry.	1, 200. 00	Apr. 8, 1898	Meat inspector.
Westcott, Miss Effie I.	Middlesex County	do	600. 00	Apr. 11, 1898	Assistant microscopist.
Watkeys, Miss Alice M.	Suffolk County	do	600. 00	do	Do.
Waylor, Miss Eliza M.	Middlesex County	do	600. 00	do	Do.
Taylor, Miss Helen G.	Suffolk County	do	600. 00	do	Do.
Nutter, Miss Sarah G.	do	do	600. 00	do	Do.
Keller, Miss Carrie B.	do	do	600. 00	do	Do.
Hosier, Miss Alice N.	Middlesex County	do	600. 00	do	Do.
Foss, Miss Helen M.	do	do	600. 00	do	Do.
Cogan, Miss Mima M.	do	do	600. 00	do	Do.
Dean, Miss Eliz. M.	Suffolk County	do	600. 00	do	Do.
Driscoll, William J.	Middlesex County	Navy—Boston Navy-Yard	900. 00	Apr. 27, 1898	Stenography.
Denn, Frederick M.	Hampden County	War—Engineer Department, at large.	1, 000. 00	May 5, 1898	Clerk.
Miller, Walter M.	Worcester County	Interior—Patent.	1, 200. 00	May 19, 1898	Fourth assistant patent examiner.
Fuller, George N.	Essex County	Treasury—Assistant custodian and janitor service, Lynn.	600. 00	May 21, 1898	Watchman-fireman.
Case,					

TABLE 15.—Showing, by States and Territories, those appointed through examination in the classified departmental service, exclusive of the Indian and Railway Mail services, during the fiscal year ended June 30, 1898.—(Continued.)

Name.	Legal residence.	Probationary appointment.			Date.	Kind of examination—remarks.
		Department—bureau or office.	Salary.			
MASSACHUSETTS—cont'd.						
Kenneally, James S.....	Suffolk County .....	Agriculture—Bureau of Animal Industry.	\$720.00		May 23, 1898	Tagger.
Hents, Fred W.....	do .....	Treasury—Special agents' division.	p. d. 6.00		May 25, 1898	Special agent.
Brownell, Lester G.....	Bristol County .....	Treasury—Assistant custodian and janitor service, New Bedford.	660.00		May 31, 1898	Janitor.
Barnes, James L.....	Worcester County..	War—Engineer, Boston .....	p.m. 125.00		June 2, 1898	Junior engineer surveyor.
Stiff, Henry T.....	Plymouth County..	Agriculture—Weather Bureau .....	840.00		June 10, 1898	Observer.
Gorman, Michael.....	Suffolk County .....	Navy—Boston Navy-Yard .....	p. d. 2.00		June 16, 1898	Watchman.
Gage, Edward A .....	Worcester County..	War—Ordnance Department, at large.	p. d. 3.00		.....do .....	Assistant inspector of ordnance.
Young, William J. J.....	Suffolk County .....	Navy—Washington Navy-Yard .....	p. d. 3.12		June 17, 1898	Tracer.
MICHIGAN.						
Kean, Edward L.....	Wayne County .....	Fish Commission—Northville .....	480.00		July 21, 1897	Clerk-copyist.
Howard, Fred R.....	Kent County .....	War—Engineer Department, at large.	p.m. 75.00		Oct. 11, 1897	Stenography and typewritin.
Spencer, Miss Jennie A.....	Ionia County .....	Treasury—Bureau of Engraving and Printing.	p. d. 1.25		Nov. 5, 1897	Skilled laborer.
Schraevenande, Henry P.....	Kent County .....	Interior—Government Hospital for the Insane.	216.00		Nov. 15, 1897	Attendant.
Giles, Louis E.....	Wayne County .....	Navy—Washington Navy-Yard .....	772.00		Dec. 11, 1897	Mechanical draftsman.
Park, Miss Louise.....	Kent County .....	Interior—Geological Survey .....	720.00		Jan. 14, 1898	Stenography and typewriting.
Busman, Herman.....	Ottawa County .....	Agriculture—Bureau of Animal Industry.	1,200.00		Feb. 23, 1898	Meat inspector.
McClintic, Frank L.....	Eaton County.....	Agriculture—Weather Bureau .....	840.00		Mar. 8, 1898	Observer.
Anderson, M. O .....	Houghton County ..	Agriculture—Bureau of Animal Industry.	1,200.00		Mar. 9, 1898	Meat inspector.
Honner, Thomas .....	Ottawa County.....	Treasury—Steamboat-Inspection Service.	2,000.00		Mar. 22, 1898	Assistant inspector of hulls.
Lille, Ray D.....	Kent County .....	Interior—Indian Office .....	900.00		Mar. 26, 1898	Stenography and typewriting.
Jermiin, Frank .....	Alpena County .....	Agriculture—Weather Bureau .....	900.00		Apr. 1, 1898	Observer.
Kimball, James H.....	Ingham County.....	do .....	900.00		.....do .....	Do.
Henrich, Frank .....	Alger County.....	Navy—Hydrographic Office, Duluth	1,000.00		Apr. 18, 1898	Nautical expert.
Crampton, Faust F.....	Monroe County.....	Interior—Patent .....	1,200.00		May 7, 1898	Fourth assistant patent examiner.
Leland, Ora M.....	Ottawa County .....	Interior—Surveyor-general, Tallahassee, Fla.	1,200.00		May 9, 1898	Assistant topographer.
Galwey, John H.....	Wayne County .....	Treasury—Steamboat-Inspection Service.	1,800.00		May 20, 1898	Inspector of boilers.

Washburn, Henry J.....	Hilldale County...	January 1, 1897, January 1, 1898. Agriculture—Bureau of Animal Industry.	1,200.00	May 23, 1898	Meat inspector.
MINNESOTA.					
Ash, Henry C.....	St. Louis County.....	War—Engineer Department, at large.	1,200.00	July 10, 1897	Junior engineer inspector.
Stephens, John A.....	Hennepin County.....	.....do.....	720.00	July 26, 1897	Stenography.
Thorwarth, Miss Marian.....	Ramsey County.....	Interior—Geological Survey.....	p. m. 60.00	Dec. 1, 1897	Stenography and typewriting.
Avery, Miss Antoinette.....	Winona County.....	.....do.....	p. m. 60.00	.....do.....	Do.
Lewis, Marcus W.....	St. Louis County.....	War—Engineer Department, at large.	1,500.00	Dec. 24, 1897	Junior engineer surveyor.
Pfau, James F.....	Blue Earth County.....	Interior—Surveyor-general, Santa Fe, N. Mex.	1,200.00	Jan. 24, 1898	Topographic draftsman.
Rice, Thomas L.....	Fillmore County.....	Agriculture—Bureau of Animal Industry.	1,200.00	Feb. 10, 1898	Meat inspector.
Plant, James C.....	Hennepin County.....	Treasury—Supervising Architect.....	2,500.00	Feb. 23, 1898	Chief computer.
Merrill, Herbert C.....	Waseca County.....	Agriculture—Weather Bureau.....	840.00	Mar. 16, 1898	Observer.
Jones, Henry E.....	St. Louis County.....	Navy—Steam Engineering.....	p. d. 2.48	Apr. 25, 1898	Stenography and typewriting.
Murray, Sylvester J.....	Le Sueur County.....	Agriculture—Bureau of Animal Industry.	i. 200.00	May 23, 1898	Meat inspector.
Hill, Harry L.....	Ramsey County.....	Agriculture—Division of Forestry.	1,000.00	June 15, 1898	Stenography and typewriting.
MISSISSIPPI.					
McCardle, Miss Annie F.....	Sedgwick County.....	Interior—Land office, Jackson.....	900.00	Feb. 3, 1898	Clerk-copyist.
Emmons, Robert L.....	Lauderdale County.....	Treasury—Assistant custodian and janitor service, Meridian.	660.00	Mar. 4, 1898	Janitor-fireman.
Powell, Robert.....	Warren County.....	Agriculture—Weather Bureau.....	900.00	Mar. 21, 1898	Observer.
MISSOURI.					
Henkel, Carl P.....	Newton County.....	First Commission—Neosho, Mo.....	720.00	July 23, 1897	Carpenter.
Mackey, Beckford.....	St. Louis County.....	Interior—Pension Bureau.....	900.00	Oct. 2, 1897	Special pension examiner.
Rice, Lewis C.....	.....do.....	War—Quartermaster's Department, Jefferson Barracks.	720.00	Oct. 23, 1897	Engineer and electrician.
Greer, Walter A.....	.....do.....	Navy—Secretary's.....	720.00	Nov. 4, 1897	Stenography and typewriting.
Gray, Miss Florence E.....	Jackson County.....	Agriculture—Bureau of Animal Industry.	600.00	Dec. 20, 1897	Assistant microscopist.
Hanrahan, Miss Josie.....	.....do.....	.....do.....	600.00	.....do.....	Do.
Holt, Miss Dorothen E. J.....	.....do.....	.....do.....	600.00	.....do.....	Do.
Schoettle, Miss May B.....	.....do.....	.....do.....	600.00	.....do.....	Do.
Reid, Frank T.....	Cass County.....	State, War, and Navy Departments, building.	720.00	Dec. 23, 1897	Machinist.
Lynch, Miss Kate.....	Jackson County.....	Agriculture—Bureau of Animal Industry.	600.00	Jan. 10, 1898	Assistant microscopist.
Hauser, Walter J.....	Buchanan County.....	Interior—Government Hospital for the Insane.	216.00	Jan. 13, 1898	Attendant.
Rogers, Miss Jessie E.....	Jackson County.....	Agriculture—Bureau of Animal Industry.	600.00	Feb. 7, 1898	Assistant microscopist.
Hancock, Miss Marie.....	Andrew County.....	.....do.....	600.00	.....do.....	Do.



TABLE 15.—Showing, by States and Territories, those appointed through examination in the classified departmental service, exclusive of the Indian and Railway Mail services, during the fiscal year ended June 30, 1898.—Continued.

Name.	Legal residence.	Probationary appointment.		Kind of examination—remarks.
		Department—bureau or office.	Salary.	
MISSOURI—continued.				
Crowley, Miss Nellie B.	Jackson County	Agriculture—Bureau of Animal Industry.	\$600. 00	Feb. 7, 1898 Assistant microscopist.
Comstock, Miss Anna M.	.....do	.....do	600. 00	.....do Do.
Burke, Miss Margaret.	.....do	.....do	600. 00	.....do Do.
Cowgill, George W.	Bates County	War—Commissary Department at large.	p. m. 50 00	Feb. 17, 1898 Messenger.
Scott, Thomas A.	Jackson County	Agriculture—Bureau of Animal Industry.	840. 00	Mar. 10, 1898 Clerk-copyist.
Young, George D.	Franklin County	.....do	846. 00	Mar. 16, 1898 Do.
Daingerfeld, Lawrence H.	Gentry County	Agriculture—Weather Bureau	900. 00	Mar. 19, 1898 Observer.
Williams, Henry C.	Andrew County	Agriculture—Bureau of Animal Industry.	720. 00	Apr. 1, 1898 Tagger.
Guthrie, Leon J.	St. Louis County	Agriculture—Weather Bureau	900. 00	Apr. 2, 1898 Observer.
Churchill, Creighton	.....do	Navy—Hydrographic, Saults Ste. Marie, Mich.	1, 000. 00	Apr. 13, 1898 Nautical expert.
Mowrer, William E.	Putnam County	Agriculture—Bureau of Animal Industry.	840. 00	Apr. 13, 1898 Clerk.
Wright, John B.	Jackson County	.....do	1, 200. 00	Apr. 18, 1898 Meat inspector.
Redmon, Thomas.	Buchanan County	.....do	720. 00	Apr. 25, 1898 Tagger.
Johnston, William W.	Cass County	.....do	1, 200. 00	May 23, 1898 Meat inspector.
Constant, Miss Mary A.	Clinton County	.....do	600. 00	.....do Assistant microscopist.
Schultz, Louis G.	St. Louis County	Agriculture—Weather Bureau	840. 00	June 1, 1898 Observer.
Cason, Miss Dixie Dell	Saline County	Treasury—Bureau of Engraving and Printing.	p. d. 1. 25	June 15, 1898 Skilled laborer.
Carter, Miss Mary B.	Buchanan County	Agriculture—Bureau of Animal Industry.	600. 00	.....do Assistant microscopist.
Flynn, Miss Eunice E.	.....do	.....do	600. 00	.....do Do.
Jewett, Miss Anna M.	.....do	.....do	600. 00	.....do Do.
Puette, Miss Grace	.....do	.....do	600. 00	.....do Do.
Walker, Miss Nellie.	.....do	.....do	600. 00	.....do Do.
Kraft, George A.	St. Louis City	Treasury—Bureau of Engraving and Printing.	1, 352. 00	June 24, 1898 Steel-plate transferer.
MONTANA.				
Donnelly, Miss Maud	Lewis and Clark County	Interior—Patent	720. 00	Mar. 3, 1898 Stenography and typewriting.
Patton, John W.	Custer County	War—Quartermaster's Department at large, Kough, Mont.	740. 00	Apr. 13, 1898 Blacksmith.
Ogden, George H.	Missoula County	Interior—Assistant Attorney-General.	2, 000. 00	June 1, 1898 Assistant attorney.

NEBRASKA.									
Hastings, William T.....	Nance County.....	War—Record and Pension Office ...	1,000.00	Aug. 12, 1897	Compositor.				
Barber, Mrs. Sarah H. Y.....	Douglas County.....	Agriculture—Bureau of Animal In- dustry.	600.00	Aug. 20, 1897	Assistant microscopist.				
White, William T.....	Cherry County.....	War—Quartermaster's Department, Yellowstone, Wyo.	780.00	Aug. 23, 1897	Blacksmith.				
Wells, Miss Vena A.....	Douglas County.....	Interior—Pension agency, Des Moines.	600.00	Oct. 16, 1897	Clerk-copyist.				
Wilson, Miss Louisa E.....	Otoe County.....	Agriculture—Bureau of Animal In- dustry.	600.00	Dec. 17, 1897	Assistant microscopist.				
Bothwell, Miss Mary G.....	Douglas County.....	do.....	600.00	Dec. 20, 1897	Do.				
Bryant, Mrs. Daisy M.....	do.....	do.....	600.00	do.....	Do.				
Hneatis, Miss Stella.....	do.....	do.....	600.00	do.....	Do.				
Kilbourne, Mrs Mary.....	do.....	do.....	600.00	do.....	Do.				
Sage, Miss Fannie.....	do.....	do.....	600.00	do.....	Do.				
Spencer, Miss Lizzie.....	do.....	do.....	600.00	do.....	Do.				
McCulloh, Miss Gertrude.....	do.....	do.....	600.00	do.....	Do.				
Brereton, Miss Louise.....	do.....	do.....	600.00	Dec. 24, 1897	Do.				
Price, Mrs. Mary E.....	Otoe County.....	do.....	600.00	Dec. 31, 1897	Do.				
Wainwright, Miss Helen S.....	Douglas County.....	do.....	600.00	do.....	Do.				
Paddock, Frank A.....	Gage County.....	do.....	720.00	Feb. 1, 1898	Tagger.				
Milton, Mrs. Mary H.....	Douglas County.....	do.....	600.00	Feb. 10, 1898	Assistant microscopist.				
Beck, Mrs. Maud B.....	do.....	do.....	600.00	do.....	Do.				
Stevenson, Miss Janet.....	Custer County.....	do.....	600.00	do.....	Do.				
Austin, James.....	Douglas County.....	do.....	720.00	Mar. 1, 1898	Tagger.				
Raff, Chris. M.....	do.....	do.....	720.00	Mar. 9, 1898	Do.				
Williams, Jay E.....	Boone County.....	do.....	840.00	Mar. 10, 1898	Clerk-copyist.				
Burr, Atwell L.....	Douglas County.....	Treasury—Assistant custodian and janitor service, Omaha.	720.00	Mar. 19, 1898	Janitor.				
Hyde, Miss Edith E.....	do.....	Smithsonian Institution.....	p. m. 50.00	do.....	Typewriting.				
McGreer, John L.....	Lancaster County.....	Navy—Naval War Records.....	720.00	Apr. 9, 1898	Stenography and typewriting.				
Sanders, William H.....	Douglas County.....	Agriculture—Bureau of Animal In- dustry.	720.00	Apr. 11, 1898	Tagger.				
Smith, Alfred J.....	do.....	do.....	720.00	Apr. 15, 1898	Do.				
Hartson, Leonard D.....	do.....	Navy—Supplies and Accounts.....	p. d. 2.48	Apr. 25, 1898	Stenography and typewriting.				
Atwood, Miss Mary A.....	Lancaster County.....	Agriculture—Bureau of Animal In- dustry.	600.00	May 7, 1898	Assistant microscopist.				
Williams, Miss Mary E.....	Otoe County.....	do.....	600.00	do.....	Do.				
Bliss, George S.....	Dodge County.....	do.....	720.00	May 18, 1898	Tagger.				
Sumner, George W.....	Douglas County.....	Interior—Patent Office.....	1,200.00	May 31, 1898	Fourth assistant examiner, Patent Office.				
Conoyer, Miss Mollie A.....	do.....	Agriculture—Bureau of Animal In- dustry.	600.00	June 1, 1898	Assistant microscopist.				
Fanaber, Miss Esthellina M.....	do.....	do.....	600.00	do.....	Do.				
Brown, Morton.....	Saunders County.....	Agriculture—Weather Bureau.....	840.00	June 2, 1898	Observer.				
Schaepe, Robert W.....	Lancaster County.....	Treasury—Assistant custodian and janitor service, Lincoln.	600.00	June 3, 1898	Elevator conductor.				
Merrill, Russell V.....	do.....	Agriculture—Bureau of Animal In- dustry.	720.00	June 10, 1898	Tagger.				
NEVADA.									
Meder, Llewellyn M.....	Ormsby County.....	Treasury—Assistant custodian and janitor service, Carson City,	720.00	Oct. 23, 1897	Fireman.				

NEVADA.

TABLE 15.—Showing, by States and Territories, those appointed through examination in the classified departmental service, exclusive of the Indian and Railway Mail services, during the June 30, 1898.—Continued.

Name.	Legal residence.	Department—bureau or office.	P. d.	July 20, 1897 Oct. 1, 1897	Kind of examination—remarks.
<b>NEW HAMPSHIRE.</b>					
Martin, Fred M.	Merrimack County.	Navy New York Navy-Yard.	p. d. \$4.00	July 20, 1897	Mechanical draftsman.
Harmon, Miss Millie Frances.	Carroll County.	Interior—Petroleum Agency, Augusta, Me.	600.00	Oct. 1, 1897	Clerk-copyist.
Brown, Harry J.	Grafton County.	Agriculture—Foreign markets.	1,000.00	Feb. 7, 1898	Assistant, Department of Agriculture.
<b>NEW JERSEY.</b>					
Weckerly, Charles A.	Atlantic County.	Treasury—Coast and Geodetic Survey.	700.00	July 1, 1897	Topographic draftsman.
Hackwin, Marcus W.	Essex County.	Idg and	3,500.00	July 12, 1897	Portraits and vignette engraver.
Johns, Richard G.	do.		800.00	Aug. 6, 1897	Skilled laborer.
Powell, William G.	Essex County.		1,000.00	Aug. 27, 1897	Nautical expert.
Jacobus, George W.	do.		730.00	Sept. 4, 1897	Fireman.
Vogel, John D.	do.		805.00	do.	Skilled laborer.
Gaul, Andrew	County.		2,000.00	Oct. 1, 1897	Assistant inspector of boilers.
White, Thomas L.	County.		720.00	Nov. 23, 1897	Watchman.
do.	County.		p. m. 85.00	Dec. 7, 1897	Assistant engineer, Light-House Service.
do.	County.		1,200.00	Mar. 1, 1898	Meat inspector.
A.	do.		p. d. 2.24	Mar. 5, 1898	Watchman.
K.	do.		600.00	Mar. 17, 1898	Observer.
do.	do.		p. d. 3.20	Mar. 28, 1898	Bookkeeping (temporary).
do.	do.		1,200.00	Apr. 12, 1898	Fireman.
do.	do.		730.00	Apr. 27, 1898	Fireman.
T.	do.		1,800.00	Apr. 30, 1898	Boat expert.
do.	do.		720.00	May 25, 1898	Watchman.
do.	do.		2,000.00	June 30, 1898	Assistant inspector of boilers.
<b>NEW MEXICO.</b>					
Watts, Arthur	do.	War—Quartermaster's Department, Fort Wingate.	900.00	July 19, 1897	Interpreter (Navajo).
Doneshue, John M.	do.	Treasury—Assistant and janitor services, Santa Fe.	120.00	Aug. 4, 1897	Janitor.

NEW YORK.					
Slattery, William M .....	Kings County .....	War—Quartermaster's Depart- ment, New York.	900. 00	July 6, 1897	Engineer.
Smith, Glenn S .....	do .....	Interior—Geological Survey.....	900. 00	.....do .....	Assistant topographer.
McMillan, Alexander F .....	New York County .....	Treasury—Assistant custodian and janitor service, New York.	900. 00	July 7, 1897	Dynamo tender.
Rice, George L .....	do .....	do .....	1,000. 00	July 10, 1897	Assistant engineer.
Bernstein, Samuel .....	do .....	Navy—New York Navy-Yard .....	p. d. 2. 48	July 15, 1897	Typewriting.
Lamb, Miss Lillian M .....	Ontario County .....	Navy—Naval War Records Office ..	720. 00	July 21, 1897	Stenography and typewriting.
Carlson, John O .....	New York County .....	Treasury—Assistant custodian and janitor service, New York.	720. 00	Aug. 2, 1897	Fireman.
Dormagen, Joseph .....	do .....	do .....	720. 00	do .....	Do.
Gray, Julian C .....	Kings County .....	do .....	720. 00	do .....	Do.
Krauss, Charles .....	New York County .....	do .....	900. 00	do .....	Dynamo tender.
McAfee, William C .....	do .....	do .....	720. 00	do .....	Fireman.
Schroeder, Charles A .....	Kings County .....	do .....	900. 00	do .....	Dynamo tender.
O'Brien, Thomas .....	New York County .....	do .....	720. 00	do .....	Fireman.
Krauss, Edward .....	do .....	do .....	1,000. 00	do .....	Assistant engineer.
Weil, Isidore .....	do .....	do .....	720. 00	do .....	Wireman.
McDonough, John .....	do .....	do .....	720. 00	do .....	Fireman.
Corwin, James B .....	Kings County .....	Treasury—Steamboat-Inspection Service, New York district.	2,000. 00	Aug. 3, 1897	Assistant inspector of hulls of steam vessels.
Conway, John O .....	New York County .....	do .....	2,000. 00	Aug. 7, 1897	Do.
Barber, Arthur E .....	Kings County .....	Navy—New York Navy-Yard .....	p. d. 2. 48	Aug. 16, 1897	Typewriting.
Haskell, Harry S .....	Rensselaer County .....	Navy—Washington Navy-Yard .....	p. d. 3. 12	Aug. 23, 1897	Mechanical draftsman.
Ward, Harvey G .....	New York County .....	Treasury—Subtreasury, New York .	1,000. 00	.....do .....	Subtreasury clerk.
Kane, Daniel H .....	do .....	Treasury—Assistant treasurer, New York.	900. 00	Aug. 26, 1897	Subtreasury.
Neumann, Paul .....	do .....	Treasury—Superintendent repairs, public buildings, New York.	720. 00	Sept. 1, 1897	Steam-fitter's helper.
Dales, Richard J .....	do .....	Treasury—Subtreasury, New York .	820. 00	.....do .....	Subtreasury (assistant engineer).
Manix, James P .....	do .....	Treasury—Assistant custodian and janitor service, New York.	720. 00	Sept. 14, 1897	Oiler.
Cleveland, Converse J .....	do .....	Treasury—Subtreasury, New York .	720. 00	Sept. 23, 1897	Subtreasury clerk.
Houghton, Robert .....	do .....	Treasury—Assistant custodian and janitor service, New York.	720. 00	Sept. 28, 1897	Fireman.
Flyland, Joseph .....	do .....	do .....	720. 00	.....do .....	Do.
Stickney, Benjamin K .....	Essex County .....	Treasury—Bureau of Engraving and Printing.	780. 00	Oct. 2, 1897	Machinist.
Kirby, John F .....	New York County .....	Treasury—Assistant custodian and janitor service, New York.	730. 00	Oct. 4, 1897	Fireman.
Day, Albert C .....	Monroe County .....	Treasury—Bureau of Engraving and Printing.	939. 00	Oct. 7, 1897	Carpenter.
Williamson, Samuel W .....	Orange County .....	Treasury—Assistant custodian and janitor service, Newburg.	600. 00	Oct. 11, 1897	Janitor.
O'Donnell, Roger .....	Erie County .....	War—Headquarters of the East, New York City.	1,000. 00	Oct. 15, 1897	Stenography and typewriting.

TABLE 15.—Showing, by States and Territories, those appointed through examination in the classified departmental service, exclusive of the Indian and Railway Mail services, during the fiscal year ended June 30, 1898.—(Continued.)

Probationary appointment.				Kind of examination	remarks.
Name.	Legal residence.	Department—bureau or office.	Salary.		
NEW YORK—continued.					
Dooley, William J.	Kings County	Treasury—Bureau of Engraving and Printing.	\$1,252.00	Oct. 25, 1897	Pressman.
Rosecrans, Frank L.	Ulster County	Treasury—Assistant custodian and janitor service, Poughkeepsie.	600.00	.....do	Watchman.
Yeagler, Laurence J.	Kings County	Treasury—Assistant custodian and janitor service, Brooklyn.	600.00	Oct. 30, 1897	Do.
Stedman, Thomas J.	Onondaga County	War—Engineer Office, New York.	p. m. 75.00	Nov. 1, 1897	Stenography and typewriting.
Smith, Raymond O.	New York County	Treasury—Bureau of Engraving and Printing.	2,500.00	.....do	Designer.
Russell, George H.	Onondaga County	Agriculture—Bureau of Animal Industry.	840.00	Nov. 10, 1897	Clerk-copyist.
Cook, George C.	New York County	Navy—Washington Navy-Yard	772.00	Nov. 12, 1897	Assistant draftsman.
Larkin, Thomas J.	.....do	Treasury—Superintendent of repairs, public buildings, New York.	1,116.00	Nov. 16, 1897	Steam fitter.
Kahn, Julius	Kings County	Navy—New York Navy-Yard	p. d. 3.00	Nov. 19, 1897	Junior engineer surveyor.
Wood, Walter W.	Wayne County	Fish Commissioner	720.00	Dec. 1, 1897	Fish culturist.
Cleaver, Pitson J.	Otsego County	Navy—Navy-yard, New York	p. d. 4.00	Dec. 10, 1897	Junior engineer surveyor.
Brown, Wilmer M.	New York County	.....do	p. d. 2.44	Dec. 17, 1897	Bookkeeping.
Penrose, Mahlon H.	Chautauqua County	.....do	p. d. 2.24	Dec. 20, 1897	Bookkeeper.
Jecklin, John R.	Orange County	Treasury—Assistant custodian and janitor service, Newburg.	600.00	Dec. 27, 1897	Watchman-fireman.
Delmar, Eugene	New York County	Treasury—Subtreasury, New York.	720.00	.....do	Money counter.
Newburn, Walter J.	Jefferson County	Treasury—Marine-Hospital Service	600.00	Jan. 3, 1898	Hospital steward.
McFell, James L.	Chautauqua County	Agriculture—Bureau of Animal Industry.	720.00	Jan. 17, 1898	Tagger.
Baxter, Charlie W.	New York County	Treasury—Assistant custodian and janitor service, New York.	720.00	Jan. 24, 1898	Miller.
Clair, Edward P.	.....do	.....do	720.00	.....do	Fireman.
Kelly, Joseph	.....do	.....do	720.00	.....do	Do.
Griffith, George	.....do	Navy—New York Navy-Yard	p. d. 2.00	Jan. 25, 1898	Messenger.
Howes, Ben	Orleans County	Agriculture—Bureau of Animal Industry.	1,200.00	Feb. 1, 1898	Ment inspector.
Lebourveau, George F.	New York County	Treasury—Assistant custodian and janitor service, New York.	720.00	Feb. 2, 1898	Fireman.
Fagan, Daniel	Kings County	.....do	720.00	.....do	Do.
Anderson, Adolf	.....do	.....do	720.00	.....do	Do.
McConnell, Ira W.	Tompkins County	Navy—New York Navy-Yard	p. d. 3.00	Feb. 4, 1898	Junior engineer inspector.
Goler, George W.	Monroe County	Treasury—Assistant custodian and janitor service, Rochester.	800.00	Feb. 9, 1898	Janitor.

Brown, Walter K.	Suffolk County	Feb. 14, 1898	720 00	Fireman.
Tadejevich, Anthony	New York County	do	720 00	do
Maurer, Theodore T.	Kings County	Feb. 21, 1898	2,000 00	Assistant inspector of boilers.
Bollinger, Christopher G.	do	Feb. 25, 1898	720 00	Watchman; reinstated under Rule IX.
Hockey, Robert	do	Feb. 28, 1898	p. m. 75.00	Stenography and typewriting.
Van Alostyne, Harry K.	Nassau County	do	200 00	Clerk; transfer under Rule X.
Martins, Alfred F.	Dutchess County	Mar. 1, 1898	1,200 00	Meat inspector.
Rossman, John	New York County	Mar. 4, 1898	720 00	Wireman.
Brooks, Albert B.	do	do	720 00	Do.
Lipson, J. J.	Kings County	Mar. 5, 1898	p. d. 2 24	Watchman.
do	do	Mar. 10, 1898	900 00	Money counter.
do	do	Mar. 12, 1898	840 00	Observer.
Gardner, John W.	Queens County	Mar. 23, 1898	720 00	Clerk, subroary.
Jackson, Miss Lavina	Monroe County	Mar. 29, 1898	900 00	Stenography and typewriting.
do	do	Mar. 31, 1898	84 00	Pupil nurse.
do	do	Apr. 3, 1898	1,000 00	do typewriting.
do	do	do	500 00	do
do	do	Apr. 4, 1898	900 00	do
do	do	do	p. m. 75.00	typewriting.
do	do	Apr. 9, 1898	p. d. 2 24	per.
do	do	do	1,110 00	do
Howe, William E.	Orangetown County	Apr. 11, 1898	1,200 00	Meat inspector.
do	New York Co	Apr. 15, 1898	p. d. 2 00	Messenger.
do	do	Apr. 16, 1898	900 00	Typewriting.
do	do	Apr. 18, 1898	p. d. 2 25	Watchman.
do	do	Apr. 21, 1898	1,500 00	Assistant engineer.
Sherman, Henry C.	do	Apr. 22, 1898	1,200 00	Assistant, Department of Agriculture.
Ketchum, William M.	do	do	1,600 00	Post office inspector; transferred under Rule X.
do	Orangetown County	Apr. 23, 1898	p. d. 2 48	Bookkeeping.
do	do	Apr. 24, 1898	720 00	Messenger.
do	Broome County	May 2, 1898	400 00	Stenography and typewriting.
do	Renewable County	do	900 00	Wireman.
do	New York County	May 3, 1898	900 00	do
do	Cayuga County	May 6, 1898	300 00	Messenger boy.
do	Kings County	do	p. d. 3 04	Stenography, temporary appointment.
do	New York County	May 7, 1898	p. d. 2 00	Watchman.
do	do	May 9, 1898	p. d. 2 48	Stenography.
do	do	May 12, 1898	p. d. 2 00	Skilled laborer.
do	do	May 23, 1898	p. d. 1 25	Do.
do	Treasury - Bureau of Engraving and Printing.	do	do	do



TABLE 15.—Showing, by States and Territories, those appointed through examination in the classified departmental service, exclusive of the Indian and Railway Mail services, during the fiscal year ended June 30, 1898—Continued.

Probationary appointment.					Kind of examination—remarks.
Name.	Legal residence.	Department—bureau or office.	Salary.	Date.	
NEW YORK—continued.					
Wilkins, Miss Emma L .....	Yates County .....	Treasury—Bureau of Engraving and Printing.	p. d. \$1.25	May 30, 1898	Skilled laborer.
Donnelly, Hugh J .....	Kings County .....	Treasury—Assistant custodian and janitor service, New York.	720.00	May 31, 1898	Do.
Sergeant, Joseph .....	New York County .....	.....do .....	720.00	.....do .....	Do.
Phillips, Charles N .....	.....do .....	Treasury—Immigration service, Ellis Island, New York.	900.00	.....do .....	Engineer.
Belden, William V. D .....	Kings County .....	Treasury—Subtreasury, New York.	720.00	June 1, 1898	Clerk-copyist.
De Weir, George F .....	Erie County .....	Interior—Patent Office .....	1,200.00	.....do .....	Fourth assistant examiner.
Ketchum, Charles A .....	Queens County .....	Navy—Judge-Advocate-General .....	p. d. 2.48	June 3, 1898	Stenography and typewriting.
Jones, Edward H .....	.....do .....	Interior—Patent Office .....	360.00	June 7, 1898	Messenger boy.
Feely, Michael H .....	Albany County .....	Treasury—Assistant custodian and janitor service, Albany.	800.00	June 8, 1898	Janitor.
Hoadley, Frank M .....	Stenben County .....	War—Headquarters of Army, Washington, D. C.	1,000.00	June 16, 1898	Clerk, standing high in penmanship.
Pfeiffer, Joseph .....	New York County .....	Navy—New York Navy-Yard .....	p. d. 2.24	June 17, 1898	Clerk.
Perry, John P .....	Kings County .....	Treasury—Bureau of Engraving and Printing.	1,252.00	June 22, 1898	Transferrer.
Mooney, John A .....	New York County .....	.....do .....	1 252.00	June 24, 1898	Do.
NORTH CAROLINA.					
Heath, Joseph W .....	Buncombe County .....	Treasury—Assistant custodian and janitor service, Asheville, N. C.	600.00	Aug. 28, 1897	Janitor.
Hairston, Miss Lula C .....	Forsyth County .....	Interior—Freedmen's Hospital .....	84.00	Sept. 14, 1897	Pupil nurse.
Bell, George M .....	Craven County .....	Navy—Nautical Almanac .....	300.00	Nov. 2, 1897	Messenger boy.
Gonger, Miss Martha E .....	Iredell County .....	Interior—(Government Hospital for the Insane.	168.00	Jan. 10, 1898	Attendant.
Evans, Charles A., Jr .....	Buncombe County .....	Treasury—Assistant custodian and janitor service, Asheville, N. C.	600.00	Feb. 28, 1898	Watchman.
Hendrick, Miss Eliza H .....	Warren County .....	Interior—Freedmen's Hospital .....	84.00	Mar. 31, 1898	Pupil nurse.
Dudley, John G .....	Fullford County .....	Navy—Norfolk Navy-Yard .....	p. d. 2.80	Apr. 6, 1898	Typewriting (temporary appointment).
Chambers, Fred F .....	Iredell County .....	Treasury—Assistant custodian and janitor service, Statesville.	600.00	Apr. 8, 1898	Janitor.
Whitted, Levi H .....	Wake County .....	Navy—Port Royal naval station .....	p. d. 2.72	Apr. 15, 1898	Junior engineer.
Stewart, John W .....	Carteret County .....	Interior—(Government Hospital for the Insane.	210.00	May 20, 1898	Attendant.
NORTH DAKOTA.					
Blahop, Frank A .....	Cass County .....	Interior—Land office at Grand Forks.	900.00	Apr. 28, 1898	Clerk.

OKLAHOMA.	Baldwin, Alva G.....	Noble County .....	Interior—Land office at Oklahoma City.	900. 00	Oct. 5, 1897	Clerk-copyist.
	Reveler, William.....	Canadian County....	War—Quartermaster's Department, Fort Bayard, N. Mex.	720. 00	Oct. 16, 1897	Blacksmith.
	Scarr, James H.....	Logan County.....	Agriculture—Weather Bureau .....	840. 00	May 10, 1898	Observer.
OHIO.	Ralston, Robert .....	Hamilton County....	War—Quartermaster's Department, Jeffersonville, Ind.	720. 00	July 20, 1897	Stenography and typewriting.
	Louis, Michael W .....	do .....	Post-Office—First Assistant Postmaster-General.	2, 000. 00	July 21, 1897	Chief of division.
	Kearney, Leonard W.....	do .....	Post-Office—Mail bag repair shop....	piece rates	Oct. 5, 1897	Harness and shoemaker.
	Taylor, Miss Louise .....	Mahoning County ..	Agriculture—Division of Pathology	1, 200. 00	Oct. 16, 1897	Assistant, Department of Agriculture
	Sinclair, Fred C.....	Franklin County ...	Treasury—Assistant custodian and janitor service, Columbus.	600. 00	Oct. 19, 1897	Watchman-fireman.
	Pritchard, Henry T .....	Cuyahoga County ...	Navy—League Island Navy-Yard....	p. d. 2. 48	Nov. 4, 1897	Stenography and typewriting.
	Hancock, Earl L .....	Hamilton County....	Interior—Pension agency, Columbus.	600. 00	Nov. 8, 1897	Clerk-copyist.
	Knecht, Charles, jr.....	do .....	Treasury—Assistant custodian and janitor service, Cincinnati.	720. 00	Nov. 9, 1897	Fireman.
	Horton, Horace M.....	Meigs County .....	Treasury—Light-house tender Gold-enrol.	p. m. 150. 00	Nov. 13, 1897	Master.
	Crowell, Miss Evangeline E.	Ashtabula County...	Treasury—Bureau of Engraving and Printing.	p. d. 1. 25	Nov. 23, 1897	Skilled laborer.
	Legg, John .....	Franklin County ...	Treasury—Assistant custodian and janitor service, Columbus.	600. 00	Dec. 21, 1897	Watchman.
	Belford, Edward E .....	Putnam County .....	Treasury—Coast and Geodetic Survey.	720. 00	Dec. 28, 1897	Buoy colorist.
	Clomons, Grant .....	Cuyahoga County ...	Navy—New York Navy-Yard .....	p. d. 2. 48	Jan. 18, 1898	Stenography and typewriting.
	Loveberry, Clarence.....	Franklin County ...	Agriculture—Bureau of Animal Industry.	1, 200. 00	Feb. 7, 1898	Meat inspector.
	Howell, Wheeler .....	Butler County.....	Navy—Secretary .....	720. 00	Feb. 9, 1898	Stenography and typewriting.
	Karr, Benjamin C .....	Hamilton County....	Treasury—Assistant custodian and janitor service, Cincinnati.	720. 00	do .....	Fireman.
	Ehlers, Miss Carrie.....	Butler County.....	Agriculture—Bureau of Animal Industry.	600. 00	Feb. 16, 1898	Assistant microscopist.
	Welker, Jacob.....	Franklin County ...	Treasury—Assistant custodian and janitor service, Columbus.	900. 00	Feb. 21, 1898	Engineer.
	Roberts, John N .....	Hamilton County....	Treasury—Assistant custodian and janitor service, Cincinnati.	p. d. 3. 50	Feb. 24, 1898	Plumber.
	Jones, Edward W., jr.....	Washington County	Treasury—Bureau of Engraving and Printing.	p. d. 3. 20	Mar. 16, 1898	Bookbinder.
	Schlomer, William B.....	Hamilton County...	Agriculture—Weather Bureau .....	900. 00	Mar. 18, 1898	Observer.
	Barnett, David C.....	Butler County.....	Agriculture—Animal Industry.....	720. 00	Mar. 25, 1898	Tagger.
	Hyle, Charles A.....	Franklin County ...	Agriculture—Weather Bureau .....	p. d. 2. 40	Mar. 31, 1898	Observer.
	Smith, Miss Elizabeth M.....	Athens County.....	Interior—Geological Survey.....	p. m. 60. 00	do .....	Stenography and typewriting.
	Francis, Miss Bertha.....	Hamilton County....	Interior—Freedman's Hospital .....	84. 00	do .....	Pupil-nurse.
	Hankins, Miss Martha C.....	Cuyahoga County ...	do .....	84. 00	do .....	Do.

TABLE 15.—Showing, by States and Territories, the rough examination in the classified departmental service, exclusive of the Indian and of year ended June 30, 1898.—Continued.

Name	Legal residence.	Salary	Date	Kind of examination—remarks.
OHIO—continued.				
Ayers, DeMurray J.	Stark County.	\$1,200 00	Apr. 1, 1898	Meat inspector.
Ganfield, Charles H.	Summit County.	1,200 00	do	Do.
Chaney, Herbert B.	do	1,200 00	do	Do.
House, Miss Eva B.	Clermont County.	p. d. 1.25	Apr. 7, 1898	Skilled laborer.
Jones, John M.	Mahoning County.	600 00	Apr. 8, 1898	Janitor fireman.
Hancock, Henry J.	do	1,200 00	do	Meat inspector.
M.	Cuyahoga County.	p. d. 3.25	Apr. 13, 1898	Stenography (temporary appointment.)
M.	Hamilton County.	1,000 00	Apr. 15, 1898	Stenography and typewriting.
M.	Marion County.	360 00	May 23, 1898	Messenger boy.
M.	Miami County.	720 00	June 15, 1898	Tagger.
M.	Lucas County.	1,000 00	June 18, 1898	Typewriting.
M.	Jefferson County.	900 00	June 23, 1898	Modern language.
M.	Ross County.	p. d. 1.25	June 29, 1898	Skilled laborer.
Meyer, Miss Eleanor	do	p. d. 1.25	do	Do.
OREGON.				
McClure, Will E.	Lane County.	p. m. 50.00	Aug. 26, 1897	Clerk-copyist.
Ball, Clark H.	Multnomah County.	1,200 00	Oct. 12, 1897	Post-office inspector; transfer under Rule X.
Cook, Wilber M.	Linn County.	800 00	Dec. 17, 1897	Messenger.
Pulliam, William E.	Multnomah County.	p. d. 6.00	May 23, 1898	Special Treasury Agent.
PENNSYLVANIA.				
Boat, John H.	Cumberland County.	1,200 00	July 13, 1897	Junior engineer inspector.
Barnes, Archy W.	Hallam County.	p. d. 2.24	July 20, 1897	Bookkeeping
Blair, Edgar R.	Luzerne County.	p. d. 3.26	July 2, 1897	Stenography and typewriting
Phar, Lewis H.	Adams County.	p. d. 2.80	July 27, 1897	Bookkeeping
McFarrell, Emanuel J.	Philadelphia County.	72 00	Aug. 1, 1897	Interpreter.
Johnson, Francis J. L.	Washington County.	72 00	Aug. 1, 1897	Do.
Meyer, John H.	Lancaster County.	p. d. 2.00	Aug. 16, 1897	Watchman

NAME	COUNTY	POSITION	DATE	AMOUNT	REMARKS
Morrison, Alexander	Allegheny County	Post office—Pittsburg post office	Sept. 1897	.....	Messenger.
Barber, Thomas H	Beaver County	and	Oct. 8, 1897	.....	Janitor
Glour, Frank	Philadelphia County	and	Oct. 11, 1897	720.00	Fireman.
W.	do	do	do	720.00	Ido.
do	do	do	do	720.00	Ido.
do	do	do	do	720.00	Ido.
K.	Armstrong C	12th Assistant Post	Oct. 12, 1897	1,200.00	Post office inspector, transfer under Rule X.
Townsend, Frank W	Philadelphia	do	do	720.00	Fireman.
Taylor, James K.	do	do	Oct. 20, 1897	4,500.00	Supervising Architect.
Idler, Robert K.	do	do	Oct. 23, 1897	1,400.00	Assistant custodian.
Banholzer, Paul P	do	do	Oct. 27, 1897	p. d. 3.26	Typewriting
Puoy, Lewis E.	do	do	Oct. 28, 1897	p. d. 2.00	Watchman.
Cowan, Miss Sarah C.	do	do	Nov. 1, 1897	720.00	Stenography and typewriting
Stroh, Harry L.	Dauphin Con	do	Nov. 23, 1897	720.00	Dynamo tender.
Mitchell, Miss Mary	Philadelphia	do	Nov. 29, 1897	1,252.00	Treasurer.
Sargent, Redford A.	do	do	Dec. 1, 1897	p. m. 00.00	Stenography and typewriting
Leckie, Miss Agnes P.	Schuylkill County	do	Dec. 14, 1897	1,800.00	Assistant inspector of hulls.
Roberts, William A.	Philadelphia County	do	Dec. 18, 1897	p. d. 1.25	Skilled laborer.
Bigley, Charles J.	do	do	Dec. 25, 1897	p. d. 3.50	Plumber.
A.	do	do	Jan. 15, 1898	840.00	Clerk copyist.
do	Franklin County	do	Feb. 1, 1898	1,200.00	Meat inspector.
do	Dauphin County	do	Feb. 28, 1898	81.00	Pupil-nurse.
do	Berks County	do	Mar. 2, 1898	1,252.00	Pressman.
do	York County	do	Mar. 4, 1898	p. d. 2.48	Stenography and typewriting.
do	Allegheny County	do	Mar. 6, 1898	1,200.00	Meat inspector.
do	Crawford County	do	Mar. 18, 1898	060.00	Fireman
do	Berks County	do	Mar. 28, 1898	p. d. 2.25	Tool maker
do	Philadelphia County	do	Apr. 1, 1898	1,000.00	Stenography and typewriting.
do	do	do	do	p. d. 2.00	Watchman.
do	do	do	do	1,200.00	Meat inspector.
do	do	do	do	1,200.00	Ido.
do	do	do	do	900.00	Wireman.
McCurdy, Frank C.	do	do	do	do	do
McLeer, John	do	do	do	do	do



RHODE ISLAND.

Wheeler, Fred I.....	Providence County.....	War—Engineer Department at large, New London, Conn.	p.m.100.00	July 6, 1897	Junior engineer-surveyor.
Brown, Byron J.....	do.....	Treasury—Marine-Hospital Service.	720.00	July 17, 1897	Acting assistant surgeon.
Smith, Herbert M.....	do.....	Agriculture—Bureau of Animal Industry.	900.00	Aug. 10, 1897	Stock examiner.
McDole, William J.....	do.....	Treasury—Custodian and janitor service, Pawtucket.	600.00	Oct. 18, 1897	Janitor.
Avery, William Y.....	do.....	Navy—New York Navy-Yard.....	p.d. 3.04	Dec. 4, 1897	Mechanical draftsman.
Pondleton, Charles H.....	Washington County.....	Post-Office—Fourth Assistant Post- master-General.	1,000.00	Mar. 5, 1898	Post-office inspector; transfer under Rule X.
Healy, Frederick E.....	Providence County.....	War—Ordnance .....	p.d. 3.00	June 16, 1898	Assistant inspector of ordnance.

SOUTH CAROLINA.

Sweeney, Michael T. P.....	Charleston County.....	Navy—Port Royal Naval Station...	p.d. 1.50	July 17, 1897	Watchman.
Scott, Miss Helen V.....	York County .....	Interior—Freedmen's Hospital.....	84.00	Aug., 1897	Pupil-nurse.
Wilson, Jacob F.....	Charleston County.....	Treasury—Custodian and janitor service, Charleston.	600.00	Aug. 10, 1897	Janitor.
Barth, George F.....	do.....	Navy—Port Royal Naval Station...	p.d. 1.50	Sept. 30, 1897	Skilled laborer.
Callahan, John P.....	do.....	Treasury—Custodian and janitor service, Charleston.	720.00	May 21, 1898	Fireman.
Halford, Joseph W.....	Colleton County.....	Agriculture—Weather Bureau .....	1,000.00	May 24, 1898	Compositor.

SOUTH DAKOTA.

Weeks, John R.....	Yankton County.....	Agriculture—Weather Bureau .....	840.00	Apr. 16, 1898	Observer.
Rice, Edward O.....	Brown County.....	Interior—Surveyor-General, Huron.	p.d. 3.00	Apr. 26, 1898	Clerk.

TENNESSEE.

McDonough, James A.....	Knox County.....	Navy—Port Royal Naval Station, S. C.	p.d. 3.60	July 17, 1897	Junior engineer-surveyor.
Harvey, David .....	Shelby County.....	Treasury—Custodian and janitor service, Memphis.	720.00	Aug. 19, 1897	Watchman.
Good, Thomas B.....	do.....	Treasury—Steamboat-Inspection Service, Memphis.	1,200.00	Sept. 3, 1897	Assistant inspector of hulls.
Samuels, William B.....	Knox County.....	Treasury—Custodian and janitor service, Knoxville.	900.00	Oct. 21, 1897	Engineer.
Fisher, James A.....	do.....	do.....	720.00	do.....	Fireman.
Murphy, John.....	Hamblen County...	Post-Office—Post-office inspector, Chattanooga.	900.00	Oct. 25, 1897	Clerk-copyist.
Jones, William A.....	Carter County.....	do.....	600.00	Nov. 8, 1897	Do.
Wittman, Eugene F.....	Hamilton County...	Interior—Surveyor-General, Santa Fe, N. Mex.	1,200.00	Jan. 28, 1898	Assistant topographer.
Bone, John G.....	do.....	Treasury—Assistant custodian and janitor service, Chattanooga.	720.00	Jan. 6, 1898	Messenger.
Kitta, Millard S.....	Knox County.....	Treasury—Assistant custodian and janitor service, Knoxville.	600.00	Jan. 13, 1898	Watchman.



TABLE 15.—Showing, by States and Territories, those appointed through examination in the classified departmental service, exclusive of the Indian and Railway Mail services, during the fiscal year ended June 30, 1898.—Continued.

Name.	Legal residence	Probationary appointment.		Date.	Kind of examination.	Remarks.
		Department—bureau or office.	Salary.			
TENNESSEE—continued.						
Jones, William G.	Hamilton County.	Treasury— custodian and of Engraving	\$720.00 p. d. 2.48 p. d. 1.25	Jan. 20, 1898 Apr 18, 1898 May 18, 1898	Foreman of janitors. Stenography and typewriting. Skilled laborer.	
Jones, George W.	Knox County.	Janitor services, Knoxville	720.00	May 24, 1898	Fireman.	
TEXAS.						
Gilles, Arthur	Travis County.	and	900.00 720.00	July 1, 1897 July 7, 1897	Assistant topographer. Janitor.	
Kent, Alfred	Tarrant County.	and	540.00 500.00	July 20, 1897 Aug. 28, 1898	Skilled laborer. Watchman.	
Jarr, Hugh Bentley	do	and	1,000.00	Sept. 7, 1897	Stenography and typewriting.	
Scott, Jim C.	Lamar County.	and	1,000.00 p. d. 2.48 750.00	Oct. 25, 1897 Oct. 29, 1897 Nov. 5, 1897	Bookkeeping. Stenography and typewriting. Fireman.	
Anderson, George D.	Galveston County.	Inspection,	p. d. 2.50 600.00	Nov. 20, 1897 Nov. 30, 1897	Bookkeeping Watchman.	
Ellis	Lamar County.	and	1,000.00 p. d. 2.48 600.00	Dec. 10, 1897 Feb. 1, 1898 Apr. 8, 1898	Stenography and typewriting. Bookkeeping. Stenographer.	
Owen, William	Tarrant County.	at Large,	720.00	Apr. 15, 1898	Tagger.	
Denton, Walter D.	Paula County.	n of Animal	600.00	May 21, 1898	Fireman, watchman.	
Mason, Kaud J.	Harris County.	Assistant custodian and ton.	p. d. 2.48 600.00	May 23, 1898	Bookkeeping.	
Robnett, John D.	Dallas County.	Navy Supplies and Accounts De- partment.	720.00	do.	Tagger	
Singletou, Henry.	Harris County.	Agriculture—Bureau of Animal Industry.	1800.00 p. d. 1.25	June 1, 1898 June 30, 1898	Temporary appointment Skilled laborer	
Polk, George R.	Burket County.	Labor				
Jackman, Miss Emma	Clark County.	Treasury Bureau of Printing and Printing				

UTAH.	Salt Lake County	War—Quartermaster's Department, Fort Douglas.	720. 00	Feb. 1, 1898	Plumber.
Fenwick, James.....					
Kennedy, Thomas F.....	Uintah County	War—Quartermaster's Department, Fort Du Chene.	720. 00	Apr. 1, 1898	Interpreter.
Mathis, Theophilus.....	Salt Lake County	Interior—Land Service, Salt Lake City.	600. 00	Apr. 27, 1898	Clerk-copyist.
VERMONT.					
Stone, Don A.....	Chittenden County.	Treasury—Special Agents' Divi- sion, Burlington.	p. d. 4. 00	July 23, 1897	Clerk, first grade, custom-house register.
Forbes, Charles S.....	do	do	p. d. 4. 00	Aug. 5, 1897	Do.
O'Malley, Henry.....	Caledonia County	Fish Commission, St. Johnsbury	600. 00	Dec. 15, 1897	Fish culture.
Hatch, William M.....	Orange County	Interior—Patent	1,200. 00	Jan. 15, 1898	Fourth assistant examiner; transfer under Rule X.
Corey, Miss Hattie V.....	Franklin County	Interior—Geological Survey	p. m. 60. 00	Feb. 24, 1898	Stenography and typewriting.
Carr, Winfred B.....	do	do	p. m. 60. 00	Apr. 20, 1898	Junior engineer-surveyor.
Farrell, James E.....	Orleans County	Navy—Supplies and Accounts, Boston Navy-Yard.	p. d. 2. 56	Apr. 27, 1898	Stenography.
VIRGINIA.					
Brown, Miss Nannie L.....		Treasury—Bureau of Engraving and Printing.	p. d. 1. 25	July 6, 1897	Printer's assistant.
Rlenecker, Miss Anna S.....	Loudoun County	do	p. d. 1. 25	do	Do.
Kent, Nelson H.....	do	Interior—Geological Survey	480. 00	Aug. 2, 1897	Assistant photographer.
Young, John N.....	do	Interior—Government Hospital for the Insane.	216. 00	Aug. 21, 1897	Attendant.
Oliver, Claudina W.....	Fauquier County	do	216. 00	Sept. 1, 1897	Do.
Smith, Carroll N.....	do	do	216. 00	Sept. 4, 1897	Do.
Carder, Ulysses G.....	Rappahannock County.	do	216. 00	Sept. 9, 1897	Do.
Rhodes, Miss Mary B.....		Treasury—Bureau of Engraving and Printing.	p. d. 1. 25	Sept. 14, 1898	Printer's assistant.
Walter, Alpheus L.....	Fauquier County	Interior—Government Hospital for the Insane.	216. 00	Nov. 19, 1897	Attendant.
Blanchard, William St. J.....	Fairfax County	Navy—Norfolk Navy-Yard	600. 00	do	Messenger.
Dameron, John W.....	Westmoreland County.	Interior—Government Hospital for the Insane.	216. 00	Nov. 24, 1897	Attendant.
Jones, Cary C.....	Fauquier County	do	216. 00	Dec. 1, 1897	Do.
Rall, Edward M.....	Fairfax County	Fish Commission	600. 00	Dec. 15, 1897	Fish-culturist.
Belt, Temple.....	Alexandria County	Post-Office—Mail-bag repair shop	Piecework.	Jan. 3, 1898	Sailmaker.
Hughes, William H., jr.....	Chesterfield County	Interior—Freedmen's Hospital	72. 00	Jan. 10, 1898	Intern.
Pugh, William W.....	Washington County	Navy—Norfolk Navy-Yard	p. d. 2. 00	Jan. 17, 1898	Skilled laborer.
Moore, Thomas A.....	Allemarle County	do	p. d. 2. 00	Jan. 18, 1898	Do.
Rollins, Edwin C.....	Stafford County	do	p. d. 2. 00	Jan. 19, 1898	Do.
Springer, Donald.....	Fauquier County	Interior—Government Hospital for the Insane.	216. 00	Jan. 21, 1898	Attendant.
Laird, John C.....	Warren County	do	216. 00	Jan. 22, 1898	Do.
Doran, Charles Wm.....	Culpeper County	do	216. 00	Jan. 27, 1898	Do.
Keely, James C.....	Alexandria County	Agriculture—Bureau of Animal Industry.	1,200. 00	Mar. 1, 1898	Meat inspector.

TABLE 15.—Showing, by States and Territories, those appointed through examination in the classified departmental service, exclusive of the Indian and Railway Mail services, during the fiscal year ended June 30, 1898—Continued.

Name.		Legal residence.	Probationary appointment.		Date.	Kind of examination—remarks.
			Department—bureau or office.	Salary.		
VIRGINIA--continued.						
Jackson, Andrew H.....		Dinwiddie County...	Treasury—Assistant custodian and janitor service, Petersburg.	\$720. 00	Mar. 1, 1898	Janitor.
March, Charles A .....		Prince Edward County.	Navy—Norfolk Navy-Yard.....	p. d. 2. 48	Mar. 9, 1898	Stenography.
Buckingham, Richard T.....		Montgomery County	.....do .....	p. d. 2. 00	Mar. 15, 1898	Clerk.
Kitterman, Charles W .....		Campbell County...	Navy—Newport News.....	p. d. 3. 26	Mar. 18, 1898	Typewriting.
Hontz, William R.....		Roanoke County.....	Interior—Indian Office .....	900. 00	Mar. 21, 1898	Stenography and typewriting.
Hanes, Harvey E.....		Fairfax County.....	Navy—Construction and repairs, Norfolk Navy-Yard.	p. d. 2. 00	Mar. 22, 1898	Clerk.
Scott, Walter J .....		King George County.	.....do .....	p. d. 2. 00	Mar. 25, 1898	Do.
Diamond, Miss Sallie M.....		Campbell County...	Interior—Freedmen's Hospital .....	84. 00	Mar. 31, 1898	Pupil-nurse.
Henry, Miss Lillian M .....		.....do .....	.....do .....	84. 00	.....do .....	Do.
Hodge, Miss Carrie E.....		Pittsylvania County	.....do .....	84. 00	.....do .....	Do.
Slanker, Edward F.....		Norfolk County .....	Navy—Construction and repairs, Newport News.	p. d. 3. 26	Apr. 2, 1898	Stenography.
Marshall, Edward.....		Alexandria County.	Navy—Secretary's.....	660. 00	Apr. 10, 1898	Teamster.
Callahan, Miss Florence B ..		Campbell County...	Treasury—Bureau of Engraving and Printing.	p. d. 1. 25	Apr. 18, 1898	Skilled laborer.
Nabors, Arthur S .....		Wythe County .....	Interior—Government Hospital for the Insane.	216. 00	May 4, 1898	Attendant.
Shank, Miss Vira.....		Elizabeth City County.	.....do .....	168. 00	May 6, 1898	Do.
Baldwin, Buel S.....		Norfolk County .....	Navy—Norfolk Navy-Yard.....	p. d. 2. 00	.....do .....	Watchman.
Mac Gregor, John A.....		Stafford County .....	Interior—Government Hospital for the Insane.	216. 00	May 10, 1898	Attendant.
Taylor, Claude F.....		Fauquier County...	.....do .....	216. 00	.....do .....	Do.
Brown, Miss Mary E. G.....		King George County	Treasury—Bureau of Engraving and Printing.	p. d. 1. 25	May 13, 1898	Skilled laborer.
Black, Louis W.....		Campbell County...	Navy—Norfolk Navy-Yard.....	p. d. 2. 00	May 14, 1898	Janitor.
Fitzgerald, Andrew J.....		Dinwiddie County...	.....do .....	p. d. 2. 00	.....do .....	Do.
Peters, Clarence B.....		.....do .....	.....do .....	p. d. 2. 00	.....do .....	Do.
Hawkins, David W .....		.....do .....	.....do .....	p. d. 2. 00	.....do .....	Do.
Saunders, Peter.....		Campbell County...	.....do .....	p. d. 2. 00	.....do .....	Do.
Green, Samuel B.....		Dinwiddie County...	.....do .....	p. d. 2. 00	.....do .....	Do.
Davis, Henry A.....		Campbell County...	.....do .....	p. d. 2. 00	.....do .....	Do.
Rose, James D.....		Culpeper County...	.....do .....	p. d. 2. 00	May 16, 1898	Messenger.
Young, Robert M.....		Dinwiddie County...	.....do .....	p. d. 2. 00	.....do .....	Janitor.
Tassell, Florence A.....		Spottsylvania County.	.....do .....	p. d. 2. 00	.....do .....	Messenger.

Boss, John E.	do	Hospital for	p. d. 2.00	May 17, 1898	Janitor
Good, William E.	m	Yard.	216.00	May 18, 1898	Attendant
	n		p. d. 2.00	May 19, 1898	Messenger.
			p. d. 2.00	May 24, 1898	Do.
			1.200.00	May 26, 1898	Fourth Assistant Patent Examiner.
			p. d. 2.00	May 30, 1898	Messenger.
			216.00	June 1, 1898	Attendant.
			360.00	June 2, 1898	Messenger boy.
Swing, William T.		docks, Norfolk	p. d. 2.00	June 3, 1898	Messenger.
Powell, Miss Inez.	Alexandria County.	of Engraving	p. d. 1.25	June 7, 1898	Skilled laborer.
Lewis, Lillian M.	do		p. d. 1.25	June 8, 1898	Do.
Jackson, Frank B.	Westmoreland County.	ry-Yard.	600.00	June 27, 1898	Watchman-Messenger.
Hixson, Leonard E.	Prince William County.	Navy-Yard.	900.00	June 28, 1898	Bookkeeping.
	WASHINGTON.				
	Pierce County		660.00	Oct. 25, 1897	Watchman.
	King County		p. m. 150.00	Dec. 26, 1897	Master light-house ship.
	do			Mar. 8, 1898	Messenger.
	Clarke County		840.00	Mar. 21, 1898	Observer.
	Pierce County		630.00	Apr. 1, 1898	Clerk-copyist.
	do		720.00	Apr. 11, 1898	Stenography and typewriting.
	do		p. d. 4.00	Apr. 27, 1898	Immigrant inspector.
	Clarke County		900.00	May 10, 1898	Clerk
Clark, Ezra W.	King County		2,920.00	May 11, 1898	Assistant Treasury agent, Seal Islands.
	WEST VIRGINIA.				
Fuss, J. Frederick.	Berkeley County	Navy-Navy-yard, Washington, D. C.	p. d. 2.48	Feb. 12, 1898	Bookkeeping.
Lemon, Homer C.	Mineral County	Navy-Naval Observatory.	600.00	May 7, 1898	Teamster
Wentzell, Miss Elva.	Jefferson County	Treasury-Bureau of Engraving and Printing.	p. d. 1.25	June 7, 1898	Skilled laborer.
	WISCONSIN.				
Bobb, Edward C.	Dane County		900.00	July 2, 1897	Assistant topographer
Schaller, John H.	La Crosse County	and	720.00	Aug. 13, 1897	Watchman and fireman.
Ohlke, Herman	Milwaukee County	and	600.00	Sept. 28, 1897	Fireman.
Nichols, Miss Sue	do	lmal	600.00	Oct. 25, 1897	Clerk-copyist.
Maynard, Miss Pearl N.	do		600.00	.....do	Assistant microscopist.

TABLE 15.—Showing, by States and Territories, those appointed through examination to the classified departmental service, exclusive of the Indian and Railway Mail services, during the fiscal year ended June 30, 1898.—Continued.

Name.		Legal residence.	Probationary appointment.		Date.	Kind of examination— remarks.
			Department— bureau or office.	Salary.		
WISCONSIN—continued.						
Huebner, Joseph		Milwaukee County	Smithsonian Institution—National Museum.	p.m. \$50. 00	Nov. 2, 1897	Fireman.
Schnopper, George		do	Interior—Surveyor-general, Huron, S. Dak.	p. d. 3. 00	Nov. 27, 1897	Typewriting.
Haughton, Miss Nellie F.		Vernon County	Agriculture—Bureau of Animal Industry.	840. 00	Dec. 19, 1897	Stenography and typewriting; transfer under Rule X.
Joslin, Miss Mae B.		Richland County	do	600. 00	Dec. 20, 1897	Assistant microscopist.
Kemper, Miss Gertrude		Milwaukee County	do	600. 00	Dec. 24, 1897	Do.
Whittaker, Miss Ella F.		do	do	600. 00	Jan. 1, 1898	Do.
Caldwell, Miss Ella Marie		do	do	600. 00	Jan. 3, 1898	Do.
Kelly, Miss Frankie F.		do	do	600. 00	do	Do.
Schwahn, Miss Ella		do	do	600. 00	do	Do.
Tilton, Benjamin E.		Winnebago County	Treasury—Const and Geodetic Survey.	900. 00	Jan. 4, 1898	Junior engineer-surveyor.
Murphy, Miss Maggie		Calumet County	Agriculture—Bureau of Animal Industry.	600. 00	Jan. 6, 1898	Assistant microscopist.
Sonntag, Miss Thelma E.		Milwaukee County	do	600. 00	Jan. 10, 1898	Do.
Somera, Miss Nellie F.		do	do	600. 00	do	Do.
Ward, Miss Mario J.		do	do	600. 00	Jan. 24, 1898	Do.
Rork, Arthur M.		Brown County	do	1, 200. 00	Feb. 1, 1898	Meat inspector.
King, Miss Harriet F.		Milwaukee County	do	600. 00	Feb. 21, 1898	Assistant microscopist.
Clark, Harry D.		Fond du Lac County	do	840. 00	Mar. 10, 1898	Clerk-copyist.
Collins, Jeremiah		Milwaukee County	Treasury—Steamboat inspection, Milwaukee, Wis.	1, 200. 00	Mar. 12, 1898	Assistant inspector of boilers.
Clarke, Ralph B.		Ashland County	Interior—Land Office, Ashland, Wis.	900. 00	Apr. 12, 1898	Typewriting.
Willis, Miss Edna L.		Milwaukee County	Agriculture—Bureau of Animal Industry.	600. 00	Apr. 25, 1898	Assistant microscopist.
Whittaker, Miss Sylvia M.		do	do	600. 00	do	Do.
Sheldon, Miss May M.		do	do	600. 00	do	Do.
Scholz, Miss Ida M.		do	do	600. 00	do	Do.
Maynard, Miss M. Myrtle		do	do	600. 00	do	Do.
Lawrence, Miss Anastasia		do	do	600. 00	do	Do.
Buttrick, Mary		do	do	600. 00	Apr. 25, 1898	Do.
Monroe, David M.		Douglas County	Navy—Hydrographic.	720. 00	May 2, 1898	Typewriting.
Fogo, Miss Emma C.		Richland County	Agriculture—Bureau of Animal Industry.	600. 00	May 25, 1898	Assistant microscopist.
Hanson, William R.		Milwaukee County	Treasury—Assistant custodian and janitor service, Milwaukee, Wis.	p. d. 2. 00	June 20, 1898	Watchman.
Wooler, George C.		Chippewa County	Post Office—Disbursing clerk and superintendent.	720. 00	June 21, 1898	Do.

WYOMING.								
Bennet, James E .....	Laramie County .....	Post-Office—Fourth Assistant Postmaster-General.	1,200.00	Jan. 22, 1898	Post-office inspector; transfer under Rule X.			
Groesbeck, Herman V. J. ....	Albany County .....	Interior—Assistant Attorney-General.	2,000.00	Feb. 2, 1898	Assistant attorney.			
Repath, Richard H. ....	Laramie County .....	Interior—General Land .....	1,200.00	Feb. 28, 1898	Stenography and typewriting.			
Snow, Miss Edith G. ....	.....do .....	Interior—Surveyor-general, Wyoming.	1,200.00	June 25, 1898	Clerk.			



TABLE 16.—Number of appointments in the apportioned Departmental service from July 16, 1883, to December 31, 1898.

State or Territory.	En-titled.	Re-ceived.	Per cent received.	State or Territory.	En-titled.	Re-ceived.	Per cent received.
Alabama .....	159	107	67.303	Montana.....	10	9	90.000
Alaska .....	3	2	66.666	Nebraska.....	91	67	72.528
Arizona .....	6	5	83.335	Nevada.....	4	4	100.000
Arkansas.....	112	68	60.724	New Hampshire.....	41	35	85.366
California .....	121	95	78.470	New Jersey .....	149	106	71.138
Colorado.....	36	26	72.228	New Mexico.....	16	11	68.750
Connecticut .....	79	63	85.556	New York.....	626	490	78.290
Delaware.....	17	13	76.460	North Carolina .....	174	115	66.155
District of Columbia ..	24	196	(a)	North Dakota.....	12	8	66.664
Florida.....	37	27	72.981	Ohio.....	394	318	80.712
Georgia.....	195	139	71.307	Oklahoma .....	5	6	120.000
Idaho.....	8	6	75.000	Oregon .....	28	21	74.991
Illinois.....	398	300	75.300	Pennsylvania.....	550	407	74.074
Indiana.....	239	189	79.002	Rhode Island.....	36	27	75.000
Indian Territory .....	4	4	100.000	South Carolina .....	124	85	68.510
Iowa.....	203	146	71.978	South Dakota.....	20	12	60.000
Kansas.....	142	106	74.624	Tennessee.....	189	137	72.473
Kentucky .....	200	141	70.500	Texas.....	222	147	66.150
Louisiana.....	119	76	63.840	Utah.....	21	12	57.144
Maine.....	74	56	75.656	Vermont.....	39	26	66.664
Maryland.....	113	121	107.085	Virginia.....	182	153	82.997
Massachusetts.....	231	183	81.404	Washington .....	26	16	61.538
Michigan.....	216	159	73.617	West Virginia.....	78	60	76.923
Minnesota.....	123	91	73.983	Wisconsin.....	173	122	70.516
Mississippi.....	139	88	63.272	Wyoming .....	6	6	100.000
Missouri.....	278	192	69.120				

a See explanation below.

METHOD OF MAKING THE APPORTIONMENT.

The civil-service act requires that appointments to the public service in the Departments at Washington shall be apportioned among the several States and Territories and the District of Columbia upon the basis of population as ascertained at the last preceding census, so far as the conditions of good administration will warrant. Civil-service rule 8 excepts from such apportionment the following positions: Positions in the Government Printing Office that are not clerical or that do not belong to one of the recognized trades; printer's assistant, skilled helper, and operatives in the Bureau of Engraving and Printing; positions in the post quarter-master's office, in the pension agency, and other local offices in the District of Columbia and to the positions of page and messenger boy, and of apprentice or student.

The first apportionment was made on the basis of 500 prospective appointments based on the census of 1880. The population as disclosed by the census of 1880 has been taken as the basis for subsequent apportionments.

The rule of apportionment is applied only to appointments made since the civil-service act was passed, January 16, 1883, the law having provided for the classification of all persons then in the service without regard to legal residence. Since the passage of the act, 4,709 appointments have been made, which have been charged to the apportionment. Statements have been prepared by some of the Executive Departments showing the apportionment of appointments among the several States and Territories for those particular Departments, and that some States, so far as any one Department is concerned, have not received the number to which apparently entitled in that Department. Notwithstanding this, these same States may be in excess so far as all the Departments are concerned. Calculation of apportionment by the Commission is necessarily applied to all of the Departments instead of to any one particular Department. A calculation of an apportionment by any one Department, may therefore, be misleading to the public. The record of apportionment kept by the Civil Service Commission is the only one required by the law.

It is not possible to maintain the apportionment with absolute exactness, as it is necessary to examine and certify for appointment to places requiring special or technical knowledge or skill such persons as have demonstrated their fitness, after

due public notice. Appointments through transfer and various noncompetitive examinations, and the reinstatement of those entitled to that privilege under section 1754, Revised Statutes, also operate to prevent the maintenance of the apportionment with exact mathematical precision.

Except for eligibles who are preferred under section 1754, Revised Statutes, appointments in the Departments at Washington as the result of the clerk, book-keeper, messenger, watchman, and other examinations must be from the State having eligibles which, at the time of the certification, has received the least proportional share of all appointments to the departmental service at Washington.

Appointments from the highly technical examinations are made from the persons having the qualifications desired by the Departments from the eligibles standing highest in the whole country, except those few States which at the time have received an excessive share of appointments.

The number of appointments charged to the District of Columbia early became so largely in excess of the number to which it was entitled that for over ten years past no persons except those allowed preference under section 1754, Revised Statutes, residing in that District have been examined except when there was not a sufficient number of applicants from the States and Territories. As a rule, preference in certification for positions outside of the District of Columbia is given to eligibles having a local residence in the district or vicinity of the place where the vacancy exists.

A new apportionment having been recently calculated, the following regulations are adopted for carrying the same into effect:

(1) All separations of persons previously charged to the apportionment shall be hereafter credited.

(2) All appointments to the apportioned service through entrance examination, by reinstatement, by transfer, or otherwise, of persons for service in, or on direct detail from, any Department or office in Washington, D. C., shall be charged to the apportionment.

(3) No appointment, as indicated in regulation 2, shall be made unless the State or Territory of which the persons to be certified are legal residents has at the time received a less per cent of appointments than any other State or Territory or the District of Columbia.

TABLE 17.—Number of appointments in the Departments at Washington, D. C., made from of those

Kind of examination.	Execu- tive Office.		State.		Treas- ury.		War.		Navy.		Post- Office.		Inter- ior.	
	Male.	Female.	Male.	Female.	Male.	Female.	Male.	Female.	Male.	Female.	Male.	Female.	Male.	Female.
Clerk and clerk copyist.....					1						1		7	12
Stenography and typewriting.....							6	1	13					
Typewriting.....									13					
Bookkeeper.....							1		4					
Draftsman:														
Topographic.....					1		1				1			
Architectural.....					1				1					
Heating and ventilating.....					1									
Assistant.....									1					
Language.....					1						1			
Computer, Nautical Almanac Office.....									2					
Chief computer.....					1									
Special pension examiner.....													2	
Fourth assistant patent examiner.....													6	
Nautical expert.....									1					
Anthropologist.....														
Assistant attorney.....													2	
Chief of division.....											1			
Supervising architect.....					1									
Junior engineer surveyor.....					1									
Assistant topographer.....													5	
Landscape gardener.....														
Telegrapher.....									1					
Keeper of aquarium.....														
Buoy colorist.....					1									
Assistant, Department of Agriculture.....														
Surgeon in chief Freedmen's Hospital.....													1	
Portrait and vignette engraver.....					1									
Compositor.....							1						1	
Bookbinder.....					1									
Pressman.....					5									
Messenger.....														
Watchman.....									1					
Messenger boy.....									3				12	
Fireman.....														
Instrument maker.....					1				1					
Machinist.....					5									
Blacksmith.....											1			
Grinder.....														
Carpenter.....					2									
Tool maker.....											6			
Skilled laborer and printer's assistant.....					1	141							1	
Transferrer.....					4									
Plato cleaner.....					3									
Hospital steward.....													1	
Pupil nurse.....														14
Interne.....													3	
Map printer.....													1	
Apprentice to map printer.....													4	
Apprentice to copper-plate map en- graver.....														3
Assistant photographer.....													1	
Attendant.....													64	15
Leather worker.....											2			
Sailmaker.....											6			
Teamster.....									2					
Total.....					32	141	9	1	32		17	2	114	44



TABLE 18.—Number of appointments in the Departmental service made from the several kinds of examinations during the fiscal year ended June 30, 1898, with sex of those appointed.

Kind of examination.	In Washington.			Outside Washington.			Grand total.
	Male.	Female.	Total.	Male.	Female.	Total.	
COMPETITIVE.							
Acting assistant surgeon .....				1		1	1
Anthropologist.....	1		1				1
Apprentice to copper-plate map engraver.....	2		2				2
Apprentice to map printer .....	4		4				4
Architectural draftsman .....	1		1				1
Assistant agent, Alaska seal island .....				2		2	2
Assistant attorney .....	2		2				2
Assistant custodian.....				1		1	1
Assistant, Department of Agriculture.....	3	1	4				4
Assistant draftsman .....	1		1	1		1	2
Assistant engineer.....				8		8	8
Assistant inspector of boilers.....				5		5	5
Assistant inspector of hulls.....				5		5	5
Assistant inspector of ordnance .....				6		6	6
Assistant janitor.....				1		1	1
Assistant microscopist.....					171	171	171
Assistant photographer.....	1		1				1
Assistant topographer .....	5		5	2		2	7
Attendant, Government Hospital for the Insane .....	50	18	77				77
Blacksmith.....	1		1	3		3	4
Bookbinder .....	1		1				1
Bookkeeper .....	4		4	24		24	28
Booy colorist .....	2		2				2
Cabinetmaker.....	1		1				1
Cadet, Revenue-Cutter Service.....				6		6	6
Carpenter.....	2		2	3		3	5
Chief computer .....	1		1				1
Chief of division .....	1		1				1
Clerk .....	3	1	4	47	6	53	57
Compositor .....	2		2	1		1	3
Computer, Nautical Almanac Office .....	2		2				2
Designer.....	1		1				1
Dynamo tender .....				4		4	4
Elevator conductor .....				3		3	3
Engineer.....				7		7	7
Engineer and electrician .....				1		1	1
Examiner of the mint.....	1		1				1
Fireman .....	2		2	47		47	49
Fireman-watchman .....				8		8	8
Fish culturist.....				8		8	8
Foreman of janitors.....				1		1	1
Fourth assistant examiner, Patent Office.....	6		6				6
Grinder .....				1		1	1
Harness and shoe maker.....	1		1				1
Heating and ventilating draftsman .....	1		1				1
Hospital steward .....	1		1	8		8	9
Immigrant inspector.....				1		1	1
Instrumentmaker.....	1		1				1
Interne, Freedmen's Hospital .....	3		3				3
Interpreter.....				2		2	2
Inspector of boilers.....				1		1	1
Janitor.....				33		33	33
Janitor-fireman.....				5		5	5
Junior engineer inspector.....				8		8	8
Junior engineer surveyor .....	1		1	12		12	13
Keeper of aquarium.....	1		1				1
Landscape gardener.....	1		1				1
Languages, modern.....		2	2				2
Leather worker .....	2		2				2
Locksmith and tool maker .....	1		1				1
Machinist .....	5		5				5
Map printer.....	1		1				1
Master .....				2		2	2
Meat inspector .....				53		53	53
Mechanical draftsman .....				6		6	6
Mechanical engineer .....				1		1	1
Messenger .....	1		1	21		21	22
Messenger boy .....	17		17	2		2	19
Money counter .....				2		2	2
Nautical expert.....	1		1	2		2	3
Nurse, Freedmen's Hospital .....		14	14				14
Observer, Weather Bureau .....				26		26	26
Oiler.....				2		2	2
Pension examining surgeon.....				2		2	2
Plate cleaner.....	3		3				3
Plumber .....				6		6	6

TABLE 12.—Number of appointments in the Departmental service made from the several kinds of examinations during the fiscal year ended June 30, 1898, with sex of those appointed—Continued.

Kind of examination.	In Washington.			Outside Washington.			Grand total.
	Male.	Female.	Total.	Male.	Female.	Total.	
COMPETITIVE—continued.							
Portrait and vignette engraver.....	1		1				1
Pressman.....	5		5				5
Road expert.....				1		1	1
Sailmaker.....	6		6				6
Sanitary inspector.....				1		1	1
Senior architectural draftsman.....				1		1	1
Skilled laborer and printer's assistant.....	5	140	145	17		17	162
Special agent.....				1		1	1
Special pension examiner.....	2		2				2
Special Treasury agent.....				1		1	1
Steam fitter.....				1		1	1
Steam-fitter's helper.....				2		2	2
Steel inspector.....				1		1	1
Steel-plate transferrer.....	1		1				1
Stenography.....	6		6				6
Stenography and typewriting.....	32	13	45	30	1	31	76
Stock examiner.....				1		1	1
Superintendent of construction.....				1		1	1
Supervising architect.....	1		1				1
Subtreasury clerk.....				4		4	4
Surgeon in chief, Freedmen's Hospital.....	1		1				1
Tagger.....				36		36	36
Teamster.....	2		2				2
Telegrapher.....	1		1				1
Tool maker.....	5		5				5
Topographic draftsman.....	4		4	1		1	5
Tracer.....				1		1	1
Tracer of ship drawings.....				1		1	1
Transferrer.....	3		3				3
Typewriting.....	3	2	5	16	1	17	22
Watchman.....	5		5	40		40	45
Wheelwright.....				1		1	1
Wireman.....				6		6	6
Total competitive.....	233	191	424	562	179	741	1,165
NONCOMPETITIVE.							
Transfers to the Departmental service:							
Clerk.....	2	6	8	1	1	2	10
Fourth assistant examiner, Patent Office.....	1		1				1
Post-Office inspector.....				13		13	13
Stenography and typewriting.....		1	1				1
Total noncompetitive.....	3	7	10	14	1	15	25
Total competitive.....	233	191	424	562	179	741	1,165
Grand total.....	236	198	434	576	180	758	1,190



TABLE 19.—Approximate number of appointments in the Departmental service made from the different kinds of examinations for which educational tests are required for each fiscal year from 1884 to 1898, etc.—(Continued).

Kind of examination.	1884.	1885.	1886.	1887.	1888.	1889.	1890.	1891.	1892.	1893.	1894.	1895.	1896.	1897.	1898.	Total.
TECHNICAL OR PROFESSIONAL IN CHARACTER																
Acting assistant surgeon, Marine-Hospital Service															1	1
Anthropologist															1	1
Architectural draftsman				1	3		2	1	1	2	2			3	2	17
Architect and civil engineer										2	1				2	3
Assistant agent, Alaskan seal islands							1									2
Assistant astronomer																1
Assistant agrostologist																1
Assistant attorney													1	1	2	3
Assistant biologist																1
Assistant chemist						2		1		3						6
Assistant curator				1	1							2				4
Assistant, Department of Agriculture															4	4
Assistant draftsman															2	2
Assistant in economic ornithology and mammalogy											1					1
Assistant engraver													3			3
Assistant geologist													2	1		3
Assistant horticulturist														1		1
Assistant inspector of boilers of steam vessels															5	5
Assistant inspector of hulls of steam vessels														1	5	6
Assistant inspector of ordnance															6	6
Assistant mycologist					1											1
Assistant, Nautical Almanac Office														4		4
Assistant observer, Weather Bureau											5	2	2	6	26	41
Assistant in the Office of Experiment Stations, Department of Agriculture												1				1
Assistant photographer							1	1							1	3
Assistant seed tester														1		1
Assistant statistician												3	1			4
Assistant topographer		12				1									7	20
Bibliographer and librarian			1													1
Botanist		2		2	1	3		1			1					10
Botanical artist														1		1
Botanical clerk							1	1	1	1		3				7
Botanical microscopist							1									1
Cadet, Revenue-Cutter Service															6	6
Cartographic draftsman											1	3				4
Chemical assistant							1							2	1	3
Chief computer																1
Civil engineer																1
Computer, Coast and Geodetic Survey						2				1						3
Computer, Hydrographic Office												2				2
Computer, Nautical Almanac Office						3	1			1						5

[illegible]

TABLE 19.—Approximate number of appointments in the Departmental service made from the different kinds of examinations for which educational tests are required for each fiscal year from 1884 to 1898, etc.—Continued.

Kind of examination.	1884.	1885	1890.	1887.	1888.	1889.	1890.	1891.	1892.	1893.	1894.	1895.
TECHNICAL OR PROFESSIONAL IN CHARACTER—Continued.												
Sanitary climatologist.....												1
Sanitary inspector.....												
Scientific assistant.....												
Scientist.....												
Shipping commissioner.....												
Special agent.....												
Special pension examiner.....	114	85		40	60	10	42	29		3	33	21
Special printer.....												
Special Treasury agent.....												
State statistical agent.....												
Statistical field agent.....												
Steel inspector.....												
Superintendent of construction.....												
Superintendent of station, Fish Commission.....												2
Supervising architect.....												
Surgeon in chief, Freedmen's Hospital.....												
Topographic aid.....												
Topographic draftsman.....	1	2	1		2	4	3	6		2	4	2
Vegetable pathologist.....												
CLERICAL IN CHARACTER WITH ADDITIONAL QUALIFICATIONS												
Agricultural editor.....												
Agrostological clerk.....												
Anatomist.....							1					
Assistant artist.....												1
Assistant custodian.....												
Assistant chief of division.....								1				
Assistant disbursing clerk.....												
Assistant entomologist.....								2				
Assistant in division of agricultural soils.....												3
Assistant librarian.....												
Assistant ornithologist.....												
Assistant pomologist.....												
Biological clerk.....												
Book keeper.....			2	30	48	16	7	10	0	8	13	6
Botanical editor.....												
Berry colorist.....												
Chief clerk.....												
Catalogue clerk.....												
Chief of division.....												

1896-1897

Chief of section.....																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																		
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**CLERICAL IN CHARACTER.**

Clerk (general) .....	76	210	92	120	111	110	109	413	110	80	63	39	34	68	67	1,707
Copyist (limited) .....	20	77	25	82	32	68	93	293	112	49	18	1	.....	.....	.....	870







TABLE 20.—*Removals, resignations, and deaths in the Departmental service in the force appointed through examination and certification for the fiscal year ended June 30, 1893.*

Departments.	Removed.			Resigned.			Died.		Total.		Reinstated.		
	Male.	Female.	Total.	Male.	Female.	Total.	Male.	Female.	Female.	Total.	Male.	Female.	Total.
State .....				1		1	1			2			
Treasury .....	15	1	16	26	2	28	1		3	45	3		3
Printers' assistants .....				41		41	1		42	42	4		4
War .....	4		4	23		23	2		25	25	4		4
Navy .....				8	1	9	1		9	10			
Post-Office .....	6		6	10	4	14	1		17	21			
Interior .....	35	2	37	44	0	50	2	1	81	10	31	2	33
Special examiners, Pension Office .....	11		11	1		1	2		14	14	0		0
Justice .....				2		2			2	2			
Agriculture .....				2	1	3			3	4	1		1
Labor .....							1		1	1			1
Fish Commission .....	1		1	3		3			4	4			
OUTSIDE THE DISTRICT OF COLUMBIA.													
Treasury - (Employees in the Light House Service and in public buildings) .....	15		15	15		15	3		33	33	4		4
Agriculture: Bureau of Animal Industry .....	3		3	11		11	1		15	15			
Weather Bureau .....				2		2			2	2	1		1
Navy Navy yards .....	7		7	17		17			24	24			
Interior: Pension agency service .....				1		1			1	1			
Land service .....	3	1	4	3		3			6	7			
Government Hospital for the Insane .....	10		10	11	5	16			21	26			
Total .....	110	4	114	161	60	211	15	2	306	372	54	7	61

TABLE 21.—*Showing, by sex, the number of appointments, separations, and reinstatements, and the number of persons remaining in the service, of those appointed to the Departmental service, exclusive of the Railway Mail and Indian services, through examination from July 16, 1883, to June 30, 1898.*

Period.	Appointments.			Separations.					
	Male.	Female.		Removed.					
		Other than printers' assistants.	Printers' assistants.	Female.					
				Male.		Other than printers' assistants.		Printers' assistants.	
				Number.	Per cent.	Number.	Per cent.	Number.	Per cent.
July 16, 1883, to June 30, 1887 .....	1,005	171		50	8.2	4	2.5		
July 1, 1887, to June 30, 1888 .....	301	51		32	10.6				
July 1, 1888, to June 30, 1889 .....	263	75	40	92	35.0	2	.8		
July 1, 1889, to June 30, 1890 .....	385	51	121	153	39.7			1	8.6
July 1, 1890, to June 30, 1891 .....	820	157	166	25	3.0	2	.4	4	1.4
July 1, 1891, to June 30, 1892 .....	267	89	123	10	3.7	3	.6	6	1.5
July 1, 1892, to June 30, 1893 .....	220	62	70	63	28.6	9	4.0	2	1.6
July 1, 1893, to June 30, 1894 .....	255	18	113	78	30.6	3	.5	20	7.8
July 1, 1894, to June 30, 1895 .....	231	19	160	112	48.5	10	4.3	10	4.3
July 1, 1895, to June 30, 1896 .....	314	9	119	27	8.6			15	4.8
July 1, 1896, to June 30, 1897 .....	560	50	47	70	12.5			3	.4
July 1, 1897, to June 30, 1898 .....	810	242	131	110	13.6	4	.5		
July 16, 1883, to June 30, 1898 .....	5,545	1,091	1,108	752	13.6	37	3.7	131	12.1

**TABLE 21.**—*Showing, by sex, the number of appointments, separations, and reinstatements, and the number of persons remaining in the service, of those appointed to the Departmental service, exclusive of the Railway Mail and Indian services, etc.—Continued.*

Period.	Separations.										Reinstatements.		
	Resigned.						Died.				Male.	Female.	
	Male.	Female.				Male.	Female.	Other than printers' assistants.	Printers' assistants.				
		Number.	Per cent.	Number.	Per cent.					Number.		Per cent.	Number.
July 16, 1883, to June 30, 1887 ..	71	6.8	7	4.4	.....	.....	21	1.9	1	0.6	10	.....	.....
July 1, 1887, to June 30, 1888 ...	54	4.4	3	1.4	.....	.....	5	.4	2	1.0	6	.....	.....
July 1, 1888, to June 30, 1889 ...	79	5.6	9	3.3	3	0.5	8	.6	2	.8	17	.....	.....
July 1, 1889, to June 30, 1890 ...	110	6.7	19	6.2	10	6.4	8	.5	.....	.....	25	.....	.....
July 1, 1890, to June 30, 1891 ...	128	5.5	8	1.8	22	7.4	11	.5	.....	.....	17	1	.....
July 1, 1891, to June 30, 1892 ...	119	4.8	16	3.0	25	6.5	11	.4	.....	.....	28	4	1
July 1, 1892, to June 30, 1893 ...	136	5.3	23	4.1	28	6.0	28	1.1	.....	.....	31	2	4
July 1, 1893, to June 30, 1894 ...	97	3.7	15	2.6	32	7.0	9	.3	1	.9	36	1	8
July 1, 1894, to June 30, 1895 ...	77	3.1	16	2.8	24	5.5	5	.2	.3	.5	43	12	7
July 1, 1895, to June 30, 1896 ...	64	2.2	21	3.7	35	5.1	15	.5	3	.5	21	5	15
July 1, 1896, to June 30, 1897 ...	62	1.9	9	1.5	25	3.7	13	.4	2	.2	22	3	7
July 1, 1897, to June 30, 1898 ...	181	4.4	19	2.3	41	5.0	15	.4	2	.1	58	3	4
July 16, 1883, to June 30, 1898 ..	1,178	21.2	165	16.5	245	22.2	149	2.7	16	.7	314	27	46

Period.	Remaining in service.						Totals.						
	Male.		Female.				Appointments.	Separations.	Reinstatements.	Remaining in service.			
			Other than printers' assistants.	Printers' assistants.		Number.				Per cent.			
	Number.	Per cent.		Number.	Per cent.						Number.	Per cent.	Number.
July 16, 1883, to June 30, 1887 ..	923	.....	159	93	.....	.....	1,266	194	10	1,062	85		
July 1, 1887, to June 30, 1888 ...	1,139	93	207	98	.....	.....	352	96	8	1,346	93		
July 1, 1888, to June 30, 1889 ...	1,210	87	271	95	46	94	387	195	19	1,557	89		
July 1, 1889, to June 30, 1890 ...	1,500	91	305	94	156	93	557	180	27	1,961	91		
July 1, 1890, to June 30, 1891 ...	2,182	93	453	98	296	92	1,152	200	18	2,931	94		
July 1, 1891, to June 30, 1892 ...	2,328	94	527	97	388	93	478	199	33	3,243	94		
July 1, 1892, to June 30, 1893 ...	2,358	91	566	95	427	92	365	294	37	3,351	92		
July 1, 1893, to June 30, 1894 ...	2,467	90	566	97	436	80	386	313	45	3,469	91		
July 1, 1894, to June 30, 1895 ...	2,547	94	558	95	561	94	410	265	52	3,666	94		
July 1, 1895, to June 30, 1896 ...	2,776	97	548	96	644	91	442	180	41	3,900	95		
July 1, 1896, to June 30, 1897 ...	3,218	96	592	99	668	97	666	214	32	4,467	96		
July 1, 1897, to June 30, 1898 ...	3,780	94	813	97	768	95	1,190	372	65	5,350	95		
July 16, 1883, to June 30, 1898 ..	3,780	70	813	81	768	69	7,651	2,688	387	5,350	70		

**NOTE.**—The number of appointments given in this table does not include appointments made from registers prepared by local boards of examiners through noneducational examinations. By including such appointments the value of comparison with previous years would have been lost. The number of persons, nearly all of whom are males, appointed through the noneducational examinations is as follows: In the Engineer Department at large, 1,423; in the Ordnance Department at large, 659; in the Life-Saving Service, 175; in the Marine-Hospital Service, 47; in the Government Hospital for the Insane, 32; total, 2,336.

It is seen from the above table that 70 per cent of the persons appointed through examination remain in service. During the five years ended June 30, 1898, 3,094 appointments in the departmental service were made through examination, and 1,185 of the persons appointed through examination were separated from the service.

Of the 100 persons first appointed through examination, 40 have been separated from the service.

TABLE 22.—Showing, by Departments, by grades, and by dates of separation, the number of reinstatements in the Departmental service, exclusive of the Railway Mail and Indian services, during the fiscal year ended June 30, 1898.

Department.	Veterans and their widows and army nurses.									
	Persons separated less than 1 year.			Separated between Mar. 4, 1893, and Mar. 3, 1897.		Separated between Mar. 4, 1899, and Mar. 3, 1903.		Separated between July 16, 1903, and Mar. 3, 1909.		
	Above clerical grades.	Clerical grades.	Below clerical grades.	Clerical grades.	Below clerical grades.	Above clerical grades.	Clerical grades.	Clerical grades.	Below clerical grades.	
State .....					1					
Treasury .....	53	27	70	19	20	30	3	1	3	9
War .....	4	10	1	2	15	9		1	1	2
Navy .....	3	6			11	3				
Interior .....	14	55	21	34	48	14	5	1	1	4
Post-Office .....		2	23		5	6	1			1
Agriculture .....	8	2	8	10	2	32		1	1	
Executive Office .....					1					
Labor .....		1					1			
Interstate Commerce Commission .....								1		
Civil Service Commission .....		1								
Smithsonian Institution .....		2	1							
State, War and Navy Department building .....						1				
Total .....	59	100	129	63	112	95	10	5	6	27

Department.	Veterans and their widows and army nurses.								
	Separated prior to civil service act but less than 20 years.			Separated more than 20 years.			Total by grades.		
	Above clerical grades.	Clerical grades.	Below clerical grades.	Above clerical grades.	Clerical grades.	Below clerical grades.	Above clerical grades.	Clerical grades.	Below clerical grades.
State .....								1	
Treasury .....		8	2		4	1	59	74	104
War .....		1			7	1	7	36	14
Navy .....					2	1	3	19	4
Interior .....		3			2	1	57	124	41
Post-Office .....		1					1	9	39
Agriculture .....							13	5	36
Executive Office .....								1	
Labor .....							1	1	
Interstate Commerce Commission .....								1	
Civil Service Commission .....								1	
Smithsonian Institution .....								2	1
State, War and Navy Department building .....									1
Total .....		13	2		15	4	141	278	244

Total reinstatements, 663.

TABLE 22<sup>a</sup>.—*Status at the time of separation of persons reinstated in the Departmental service, exclusive of the Railway Mail and Indian services, during the fiscal year ended June 30, 1898.*

VETERANS.

1. Number of veterans reinstated to positions which have become classified since their separation from the service .....	247
2. Number of veterans reinstated who were separated from positions classified at the time of separation .....	112
3. Number of veterans reinstated who were originally appointed through examination under the civil-service rules .....	23

NONVETERANS.

4. Number of persons other than veterans reinstated who were out of the service less than a year and who were separated from positions classified at the time of separation.....	239
5. Number of persons other than veterans reinstated who were originally appointed through examinations under the civil-service rules .....	42
Total reinstatements .....	663

TABLE 23.—Changes in the Indian service among those appointed through examination and certification.

Position.	March 1, 1892, to June 30, 1898.					July 1, 1897, to June 30, 1898.				
	Appointments.	Separations.			Reinstated.	Appointments.	Separations.			Reinstated.
		Removed.	Resigned.	Died.			Removed.	Resigned.	Died.	
Physician—										
Male	74	5	32		6	5	1	4		3
Female	1									
Superintendent—										
Male	30	9	9		1			1		
Female	1									
Assistant superintendent	1	1								
Disciplinarian	3					3				
Teacher—										
Male	183	29	87	2	16	23	2	6		2
Female	193	22	65	1	28	a 21	1	15		3
Teachers, Indians, noncompetitive examinations—										
Male	2									
Female	2		1							
Kindergartner	26		1		1	14		1		1
Drawing teacher	1									
Music teacher	1									
Teacher of industries	1									
Industrial teacher	2	1				2	1			
Manual training teacher	2					2				
Assistant teacher	13		2		1	9				
Clerk	4	1			1	2	1			1
Issue clerk	2									
Assistant clerk	6	1	1			4				
Property and forwarding clerk	1									
Stenographer and typewriter	2					1				
Assistant clerk and telegraph operator	2		1			2		1		
Matron	130	16	56		11	2		10		1
Assistant matron	12					9				
General housekeeper	2									
Cook	26		3		1	19		2		
Laundress	15		4			10		2		
Seamstress	11				1	10				
Nurse	1					1				
Tailor	6		2			5		2		
Butcher	3									
Baker	4					3				
Herder	1					1				
Stockman	1					1				
Carpenter	13	1				12	1			
General mechanic	2					2				
Blacksmith	11		1		1	7		1		1
Wheelwright	1									
Sawyer	5					3				
Sawyer and miller	2		1			2		1		
Blacksmith and wheelwright	1					1				
Engineer	12	1	2			9		2		
Engineer and electrician	1					1				
Farmer	8		3			6		2		
Assistant farmer	1									
Farmer (additional)	14					12				
Gardener	1					1				
Gardener and dairyman	1					1				
Nurseryman	1		1			1		1		
Shoe and harness maker	3					2				
Constable	3					3				
Total	850	87	212	3	63	212	7	51		12

a Three of these appointments were made to the Alaskan school service.

24.—Showing, by States, the number of regular clerks in the Railway Mail Service on December 31, 1898.

Alaska	94	Nebraska	200
Arizona	7	Nevada	18
California	112	New Hampshire	69
Colorado	144	New Jersey	131
Connecticut	81	New Mexico	18
Delaware	127	New York	599
District of Columbia	26	North Carolina	114
Florida	54	North Dakota	55
Georgia	67	Ohio	679
Idaho	183	Oklahoma	14
Illinois	11	Oregon	47
Indiana	718	Pennsylvania	497
Iowa	438	Rhode Island	33
Kansas	8	South Carolina	81
Kentucky	387	South Dakota	56
Louisiana	318	Tennessee	164
Maine	138	Texas	231
Maryland	60	Utah	22
Massachusetts	90	Vermont	54
Michigan	157	Virginia	174
Minnesota	240	Washington	50
Mississippi	280	West Virginia	94
Missouri	195	Wisconsin	220
Montana	77	Wyoming	30
Nebraska	413	Total	8,116
Nevada	44		

TABLE 25.—Showing, by States, the number of substitute clerks on June 30, 1898.

Alaska	11	Nebraska	12
Arizona	1	Nevada	2
California	12	New Hampshire	8
Colorado	13	New Jersey	13
Connecticut	5	New Mexico	2
Delaware	9	New York	34
District of Columbia	2	North Carolina	13
Florida	15	North Dakota	7
Georgia	25	Ohio	40
Idaho	2	Oklahoma	3
Illinois	31	Oregon	3
Indiana	27	Pennsylvania	31
Iowa	1	Rhode Island	5
Kansas	23	South Carolina	12
Kentucky	23	South Dakota	6
Louisiana	14	Tennessee	14
Maine	6	Texas	25
Maryland	11	Utah	3
Massachusetts	16	Vermont	3
Michigan	20	Virginia	21
Minnesota	15	Washington	3
Mississippi	12	West Virginia	8
Missouri	7	Wisconsin	22
Montana	30	Wyoming	2
Nebraska	3	Total	626

26.—Changes in the regular force of the Railway Mail Service during the fiscal year ended June 30, 1898, among those appointed through examination and certification.

	Regular clerks.	Probationary clerks.	Total.
Deaths	47	2	49
Discharges	79	6	85
Resignations	29		29
Replacements		2	2
Total	155	10	165



TABLE 27.—Changes in the substitute force of the Railway Mail Service during the fiscal year ended June 30, 1898.

APPOINTMENTS.	
Number on roll June 30, 1897.....	522
Appointed on examination and certification .....	774
By transfer from post-offices .....	1
By transfer from divisions.....	1
Reinstatements .....	22
By promotion from porters.....	12
	1,332
SEPARATIONS.	
Removed.....	16
Resigned .....	25
Declined .....	51
Died .....	5
Transferred .....	1
Permanently appointed.....	657
	755
Left on roll June 30, 1898.....	628

TABLE 28.—Changes in the Railway Mail Service from March 4, 1885, to June 30, 1898.

Period.	Resigned.	Re-moved.	Ex-pired.	Died.	Total.
<i>Before classification under the civil-service rules.</i>					
Between Mar. 4, 1885, and Mar. 3, 1886.....	509	508	394	23	1,434
Between Mar. 4, 1886, and Mar. 3, 1887.....	453	446	91	25	1,015
Between Mar. 4, 1887, and Mar. 4, 1888.....	329	503	119	41	992
Between Mar. 4, 1888, and Mar. 3, 1889.....	664	571	103	32	1,370
Between Mar. 4, 1889, and Apr. 30, 1890.....	262	1,438	262	8	1,970
<i>After classification under the civil-service rules.</i>					
During May and June, 1889.....	109	33	35	1	178
In fiscal year ending June 30—					
1890 .....	533	242	150	36	961
1891 .....	454	175	71	43	743
1892 .....	371	146	70	32	619
1893 .....	337	131	28	44	540
1894 .....	219	197	18	34	468
1895 .....	188	171	10	40	369
1896 .....	181	93	5	44	323
1897 .....	136	75	2	60	273
1898 .....	157	68	5	48	278

TABLE 29.—The number of appointments in the apportioned Government printing service from June 15, 1898,\* to December 31, 1898.

State or Territory.	En-titled.	Re-ceived.	Per cent received.	State or Territory.	En-titled.	Re-ceived.	Per cent received.
Alabama.....	48	8	16.664	Montana.....	4	5	125.000
Alaska.....	1	0	0.0	Nebraska.....	34	17	49.999
Arizona.....	2	0	0.0	Nevada.....	1	0	0.0
Arkansas.....	36	18	50.000	New Hampshire.....	12	10	83.333
California.....	39	7	17.948	New Jersey.....	46	53	115.217
Colorado.....	13	9	69.228	New Mexico.....	5	2	40.000
Connecticut.....	24	14	58.334	New York.....	191	312	163.403
Delaware.....	5	10	200.000	North Carolina.....	52	17	32.692
District of Columbia..	7	267	3,814.362	North Dakota.....	6	7	116.667
Florida.....	12	7	58.331	Ohio.....	117	80	68.400
Georgia.....	59	36	61.020	Oklahoma.....	2	2	100.000
Idaho.....	3	1	33.333	Oregon.....	10	1	10.000
Illinois.....	122	84	68.880	Pennsylvania.....	168	166	98.779
Indiana.....	70	51	72.879	Rhode Island.....	11	6	54.545
Indian Territory.....	1	1	100.000	South Carolina.....	37	14	37.842
Iowa.....	61	32	52.448	South Dakota.....	10	7	70.000
Kansas.....	46	28	60.872	Tennessee.....	56	28	50.000
Kentucky.....	59	36	61.020	Texas.....	71	11	15.479
Louisiana.....	36	12	33.336	Utah.....	7	3	42.857
Maine.....	21	3	14.286	Vermont.....	11	7	63.636
Maryland.....	33	95	287.850	Virginia.....	53	55	102.765
Massachusetts.....	71	41	57.728	Washington.....	11	2	18.182
Michigan.....	67	40	59.720	West Virginia.....	24	28	116.667
Minnesota.....	42	26	61.906	Wisconsin.....	54	15	27.778
Mississippi.....	41	16	39.024	Wyoming.....	2	0	0.0
Missouri.....	86	27	31.301				

\* Date apportionment principle was applied to the Government Printing Office.

TABLE 30.—Changes in the force of the Government Printing Office among those appointed through examination and certification.

	August 1, 1895, to June 30, 1898.					July 1, 1897, to June 30, 1898.				
	Appointments.	Separations.			Reinstated.	Appointments.	Separations.			Reinstated.
		Removed.	Resigned.	Died.			Removed.	Resigned.	Died.	
Composer:										
Male.....	274	*45	19	.....	2	78	8	9	.....	
Female.....	7	.....	.....	.....	.....	3	.....	.....	.....	.....
Pressman.....	31	.....	.....	.....	.....	10	.....	.....	.....	.....
Bookbinder.....	39	4	1	.....	.....	30	3	1	.....	.....
Skilled laborer:										
Male.....	18	1	2	.....	.....	7	1	1	.....	.....
Female.....	118	2	6	.....	.....	102	2	6	.....	.....
Superintendent of public documents.	1	.....	.....	.....	.....	1	.....	.....	.....	.....
Public document clerk (female).	2	.....	.....	.....	.....	.....	.....	.....	.....	.....
Public document cataloger (female).	1	.....	.....	.....	.....	.....	.....	.....	.....	.....
Stereotyper.....	3	.....	.....	.....	.....	1	.....	.....	.....	.....
Electrotypewriter.....	3	.....	.....	.....	.....	.....	.....	.....	.....	.....
Electrotype molder.....	2	.....	.....	.....	.....	1	.....	.....	.....	.....
Electrotype finisher.....	5	.....	.....	.....	.....	3	.....	.....	.....	.....
Electrician.....	3	.....	.....	.....	.....	.....	.....	.....	.....	.....
Assistant electrician.....	5	.....	.....	.....	.....	.....	.....	.....	.....	.....
Case maker.....	1	.....	.....	.....	.....	.....	.....	.....	.....	.....
Finisher.....	5	.....	.....	.....	.....	.....	.....	.....	.....	.....
Numberer, female.....	1	.....	.....	.....	.....	.....	.....	.....	.....	.....
Folder, female.....	13	.....	.....	.....	1	.....	.....	.....	.....	1
Feeder, female.....	19	.....	1	.....	.....	.....	.....	.....	.....	.....
Fireman.....	4	.....	.....	.....	.....	1	.....	.....	.....	.....
Saw filer and knife grinder.	2	.....	.....	.....	.....	1	.....	.....	.....	.....
Plumber.....	1	.....	.....	.....	.....	1	.....	.....	.....	.....
Messenger boy.....	3	.....	.....	.....	.....	3	.....	.....	.....	.....
Leather parer.....	1	.....	.....	.....	.....	1	.....	.....	.....	.....
Steam fitter.....	1	.....	.....	.....	.....	1	.....	.....	.....	.....
Telegrapher.....	1	.....	1	.....	.....	1	.....	1	.....	.....
Total.....	564	52	30	.....	3	245	14	18	.....	1

\* About one-third of these removals were on account of necessary reduction of force.

NOTE.—The classification of the Government Printing Office under the civil-service rules was completed on August 1, 1895.

**TABLE 31.—Appointments to and separations from the custom-**

		Appointments.										
		Original appointments.										
		Nonexcepted.										
Location of custom-house.												Total
		1	2	3	4	5	6	7	8	9	10	
1	Albany, N. Y.											1
2	Astoria, Oreg.			1								1
3	Baltimore, Md.	1										1
4	Bangor, Me.			1								1
5	Barnstable, Mass.						1					1
6	Bath, Me.											
7	Beaufort, S. C.											
8	Belfast, Me.											
9	Boston, Mass.	2		1		5	1			1	2	12
10	Bridgeport, Conn.											
11	Bridgeton, N. J.											
12	Brownsville, Tex.			7				1		1		9
13	Brunswick, Ga.											
14	Buffalo, N. Y.											
15	Burlington, Vt.			3	5							8
16	Cape Vincent N. Y.											
17	Castine, Me.											
18	Cedar Keys, Fla.											
19	Charleston, S. C.			1								1
20	Chicago, Ill.											
21	Cincinnati, Ohio		1									1
22	Cleveland, Ohio											
23	Corpus Christi, Tex.											
24	Denver, Colo.			1								1
25	Detroit, Mich.											
26	Duluth, Minn.											
27	Eagle Pass, Tex.	1						1				2
28	Eastport, Me.			1								1
29	Ellsworth, Me.											
30	El Paso, Tex.	2						1				3
31	Galveston, Tex.											
32	Gloucester, Mass.											
33	Grand Haven, Mich.											
34	Great Falls, Mont.											
35	Hartford, Conn.											
36	Houlton, Me.			1								1
37	Indianapolis, Ind.											
38	Jacksonville, Fla.											
39	Kansas City, Mo.											
40	Key West, Fla.	1				1						2
41	Los Angeles, Cal.			1			2					3
42	Louisville, Ky.											
43	Machias, Me.											
44	Marquette, Mich.	1										1
45	Memphis, Tenn.											
46	Milwaukee, Wis.											
47	Mobile, Ala.											
48	Nashville, Tenn.											
49	Newark, N. J.	1										1
50	New Bedford, Mass.											
51	Newbern, N. C.											
52	Newhaven, Conn.											
53	New London, Conn.											
54	New Orleans, La.	1			2							3
55	Newport, Vt.		1		0							1
56	Newport News, Va.	1										1
57	New York, N. Y.	8	1		2	2						13
58	New York Board of General Appraisers											
59	Noquies, Ariz.			3								3
60	Norfolk, Va.			1								1



TABLE 31.—Appointments to and separations from the custom-

Appointments.								
Original appointments.								
Nonexcepted.								
						Assayer.	Junior clerk.	Total
61								
62								
63								
64								1
65	Perth Amboy, N. J.							
66	Petersburg, Va.							
67	Philadelphia, Pa.							
68	Pittsburg, Pa.							
69	Plattsburg, N. Y.							
70	Port Huron, Mich.							1
71	Portland, Me.							1
72	Portland Oreg.							3
73	Portsmouth, N. H.							
74	Port Townsend, Wash.							1
75	Providence, R. I.							
76	Richmond, Va.							
77	Rochester, N. Y.							
78	St. Augustine, Fla.							
79	St. Louis, Mo.	2						2
80	St. Paul, Minn.							
81	Salem, Mass.							
82	San Diego, Cal.							1
83	Sandusky, Ohio							
84	San Francisco, Cal.	3			4			2
85	Savannah, Ga.							
86	Sheldonsboro, Mass.							1
87	Sitka, Alaska							
88	Suspension Bridge, N. Y.							2
89	Tampa, Fla.							2
90	Toledo, Ohio							
91	Waldoboro, Me.							
92	Washington, D. C.							3
93	Wilmington, Del.							
94	Wilmington, N. C.							
Total		47	3		7	4	2	1 3 1 2







Whole number of classified and excepted and unclassified employees.

Custom-house	Classified employees.	Excepted and unclassified.
New York .....	1,808	417
Philadelphia .....	350	83
Boston .....	395	37
Baltimore .....	161	36
San Francisco .....	277	19
New Orleans .....	146	31
Detroit .....	90	10
Chicago .....	99	17
St. Huron .....	47	13
Clinton, Vt. ....	79	13
Portland, Me .....	25	5

The Presidential order of July 27, 1897, materially affected the number of excepted employees, and many classified positions have been abolished and unclassified positions established in their stead during the period covered. It was, therefore, necessary to approximate the percentages in several cases.

As regards the changes at these ports, practically the same state of facts appears as is shown by comment on Table 35, showing separations from seven large post-offices. The proportion of removals from the excepted and unclassified positions is much greater than from the nonexcepted positions. It should be borne in mind that at New York, Philadelphia, Boston, Baltimore, San Francisco, New Orleans there are from three to four nominating officers for each port. Each of these nominating officers administers the civil-service rules with a different degree of thoroughness. At the port of New York the appraiser made removals very much in excess of the other nominating officers, and a similar condition exists to a less extent in other ports named above.





TABLE 31.—Appointments to and separations from the Post-Office

No.	Post-Office	Appointed	Separated	Total	Remarks
12	Allentown, Pa.				
13	Alliance, Ohio				
14	Alpena, Mich.	1		1	
15	Alton, Ill.				
16	Altoona, Pa.	1		1	
17	Americus, Ga.	1		1	
18	Amesbury, Mass.				
19	Amherst, Mass.				
20	Amsterdam, N. Y.				
21	Anacosta, Mont.	1		1	
22	Anderson, Ind.	3		3	
23	Andover, Mass.				
24	Annapolis, Md.				
25	Ann Arbor, Mich.	1		1	
26	Ansonia, Ala.				
27	Ansonia, Conn.	1		1	
28	Appleton, Wis.				
29	Arkansas City, Kans.				
30	Asbury Park, N. J.	2		2	
31	Asheville, N. C.				
32	Ashtabula, Wis.				
33	Ashtabula, Ohio				
34	Aspen, Colo.	1	1	2	
35	Astoria, Oreg.				
36	Atchison, Kans.				
37	Athens, Ga.	1		1	
38	Athol, Mass.		1	1	
39	Atlanta, Ga.	3		3	
40	Atlantic, Iowa	1		1	
41	Atlantic City, N. J.	1		1	
42	Attica, Ind.				
43	Attleboro, Mass.	1		1	
44	Auburn, Me.				
45	Auburn, N. Y.				
46	Augusta, Ga.	1		1	
47	Augusta, Me.	1		1	
48	Aurora, Ill.	1		1	
49	Austin, Ill.				
50	Austin, Minn.	1		1	
51	Austin, Tex.	2		2	
52	Baltimore, Md.	9		9	
53	Bangor, Me.	2		2	
54	Barre, Vt.				
55	Batavia, N. Y.				
56	Bath, Me.				
57	Baton Rouge, La.				
58	Battle Creek, Mich.				
59	Bay City, Mich.	1		1	
60	Bayonne, N. J.	1		1	
61	Beatrice, Nebr.				
62	Beaver Falls, Pa.	2	2	4	
63	Belfast, Me.				
64	Bellaire, Ohio		6	6	
65	Bellefontaine, Ohio		2	2	
66	Bellefonte, Pa.		1	1	
67	Belleville, Ill.				
68	Belvidere, Wis.				

service during the fiscal year ended June 30, 1898.



**TABLE 34.—Appointments to and separations from the Post-Office**

Offices		Appointments.												
		Original appointments.						Rein-stated.	Total appointments.					
60	Belvidere, Ill.			2	2		2		2		1		1	
70	Bennington, Vt.	1		1	2		2		2		1		1	
71	Benton Harbor Mich					1	1		1					
72	Berkeley, Cal													
73	Bethlehem, Pa.													
74	Beverly, Mass.													
75	Biddleford, Me.		1		1	1	2		2					
76	Binghamton, N.Y.					1	5	6	1	7	1		1	
77	Birmingham, Ala.	6	1	2	9	1		10		10	2	5	7	
78	Bloomfield, N.J.	1			1			1		1	1		1	
79	Bloomington, Ill.					1	1	2	8	7	2		2	
80	Bloomington Ind.						1	1		1				
81	Bloomsburg, Pa.			4	4	1		5		5				
82	Boise City, Idaho.	1	1		2	1		3		3	1	2	3	
83	Boone, Iowa			6	6			6		6				
84	Boston, Mass.	29	4	89	122		65	187	2	189	10	28	31	
85	Boulder, Colo													
86	Bowling Green, Ky.	2			2	1		3		3	2		2	
87	Bradock, Pa.										1		1	
88	Bradford, Pa.	2		2	4			4		4	1		1	
89	Brattleboro, Vt.													
90	Bridgeport, Conn.	5		6	11	1	4	16		16	1	1	2	
91	Bridgeton, N.J.								1	1				
92	Bristol, Conn.			5	5			5		5	1		1	
93	Bristol, Tenn.					1	1	2		2	1		1	
94	Brockton, Mass.			3	3			3		3	1		1	
95	Brooklyn N.Y.	23	3	28	54	2	53	100	2	111	27	7	43	
96	Brunswick, Ga.			1	1			1		1				
97	Bucyrus, Ohio													
98	Buffalo, N.Y.	11	1	16	28		15	43		43	5	7	14	
99	Burlington, Iowa.													
100	Burlington, N.J.										1		1	
101	Burlington, Vt.													
102	Butler, Pa.	1		2	3			3		3				
103	Butte, Mont.	2	1	1	4		1	5		5	4		4	
104	Cairo, Ill.		1		1	1		2		2	2		2	
105	Calumet, Mich.	1			1			1		1	2		2	
106	Camden, N.J.	1		4	5		10	15		15	2	1	3	
107	Canandaigua, N.Y.													
108	Canton, Ill.			1	1	1		2	1	3	1		1	
109	Canton, Ohio			2	2	1	1	4		4	1		1	
110	Carbondale, Pa.	1			1			1		1	1		1	
111	Carlisle, Pa.	1		1	2	1		3		3	1	1	2	
112	Carthage, Mo.					1		1		1				
113	Cedar Falls, Iowa.	1			1			1		1				
114	Cedar Rapids, Iowa													
115	Central Falls, R.I.						1	1		1				
116	Chambersburg, Pa.													
117	Champaign, Ill.			1	1	1	1	3		3	1		1	
118	Charleston, S.C.			1	1			1		1		1	1	
119	Charleston, W.Va.			2	2			2		2		1	1	
120	Charlotte, N.C.	1	1		2	1		3		3	2	1	3	
121	Charlottesville Va.	1		1	2			2		2	1		1	
122	Chattanooga, Tenn.	5		3	8			8		8	1	9	10	
123	Chester, Pa.						1	1	1	2				
124	Cheyenne, Wyo													
125	Chicago, Ill.	107	31	59	197		118	315	22	2	340	32	92	142
126	Chicopee Falls, Mass.			6	6		1	7		7				
127	Chillicothe, Mo.					1		1		1	1		1	
128	Chillicothe, Ohio.						2	2		2				
129	Chippewa Falls Wis.						2	2		2		1	1	
130	Cincinnati, Ohio	9		13	22		15	37	1	1	39	6	3	1
131	Circleville, Ohio			4	4		1	5		5				
132	Clarkesville, Tenn.			1	1	1	1	3		3	1		1	
133	Cleveland, Ohio	10		14	24		10	34	1	35	2	7	9	
134	Clinton, Iowa			1	1			1		1				
135	Clinton, Mass.													
136	Cohoes, N.Y.													



TABLE 31.—Appointments to and separations from the Post-Office

										Separations.			
										Nonaccepted.			
										Removed.	Reassigned.	Died.	Total.
1.													
138	Colorado Springs, Colo.	1	1	3	5	...				5	3	1	4
139	Columbia, Pa.									1			
140	Columbia, S. C.	3		4	7					8	3	1	4
141	Columbus, Ga.		1		1	1				3	1	2	
142	Columbus, Ind.			1	1					1	1		1
143	Columbus, Ohio.		1	5	6	2	7	15		15			
144	Concord, N. H.	1		1	2			2		2			
145	Connellsville, Pa.			5	5	1		6		6	1		1
146	Connersville, Ind.					1		1		1	1		1
147	Corning, N. Y.					1	1	2		2			
148	Corry, Pa.												
149	Corsicana, Tex.												
150	Cortland, N. Y.												
151	Council Bluffs, Iowa			1	1			1		1		1	1
152	Covington, Ky.	1		1	2			2		2	1	1	
153	Crawfordsville, Ind.		1	1	2	1	1	4	1	5	2		
154	Creston, Iowa.						3	3		3			
155	Cripple Creek, Colo.	1		6	7			7		7	2	1	
156	Cumberland, Md.						1	1		1			
157	Dallas, Tex.			1	1			1		1			
158	Danbury, Conn.												
159	Danville, Ill.	1		1	2			3		3			
160	Danville, Pa.	1			1			1		1		1	1
161	Danville, Va.			2	2		2	4		4	2		
162	Davenport, Iowa.			1	1		1	2		2	1		
163	Dayton, Ohio.	3	1	1	5	3		7	1	8	3		
164	Decatur, Ill.												
165	Decorah, Iowa.												
166	Defiance, Ohio.					1		1		1			
167	Delaware, Ohio.	1			1			1		1	1		1
168	Denison, Tex.			1	1	1	1	3		3			
169	Denver, Colo.	1	1	3	4	1	4	11	4	15	7		
170	Derby, Conn.		1	1	2			2		2			
171	Des Moines, Iowa	6	1	3	10		5	15		15	3		
172	Detroit, Mich.	13	1	19	33	3	10	46	1	47	7	7	12
173	Dixon, Ill.												
174	Dover, N. H.			2	2	2		4		4		1	1
175	Dubuque, Pa.		1	3	4			4		4			
176	Dubuque, Iowa					1		1	1	2	1		1
177	Duluth, Minn.					1		1		1			
178	Dunkirk, N. Y.												
179	Durham, N. C.	1			1	1		2		2	1		
180	East Liverpool, Ohio.	2			2			2		2			
181	Easton, Pa.					1		1		1			
182	East Orange, N. J.			2	2			2		2	2	1	
183	East St. Louis, Ill.			1	1	1		2	3	5	1		
184	Eau Claire, Wis.										1		
185	Elgin, Ill.			1	1			1		1	1		
186	Elizabeth, N. J.	1		3	4			4		4	1		
187	Elkhart, Ind.						3	2		2			
188	Elmira, N. Y.	2		4	6		1	7	1	8	4		
189	El Paso, Tex.	1	1	1	3			3		3	1		
190	Elyria, Ohio.					1		1		1			
191	Emporia, Kans.		1					1		1		2	
192	Englewood, N. J.			2	2			2		2			
193	Erie, Pa.	1		1	2		5	7	1	8	2	1	3
194	Escanaba, Mich.			1	1	1		2		2			
195	Eureka, Cal.			1	1	1		2		2			
196	Evanston, Ill.		1	4	5		2	7	1	8	1		
197	Evansville, Ind.	1		6	7	1	5	13		13	2	1	
198	Everett, Mass.			2	2	1		3		3			
199	Fairfield, Iowa.	1	1	4	6			6		6			
200	Fall River, Mass.	2		4	6			6		6		1	1
201	Fargo, N. Dak.						1	1		1			
202	Faribault, Minn.												
203	Findlay, Ohio.	2			3			2		2	1	1	
204	Fitchburg, Mass.			3	5		2	7		7	1		

service during the fiscal year ended June 30, 1893—Continued.

Separations.									
Excepted and unclassified.				Total separations.					
Removed.	Resigned.	Died.	Total.						
	3		2	6					
1	2		3	7					
	1	1	2	5					
0	3	1	13	13			2	3	
				2					
	1		1	3					
	2		2	2					
				1					
1	1		1	3					
	3		3	3					
				3		1	2		
				1					
	2		2	4			1		
	1		1	2					
	1		1	4		1		1	
	1		1	1					
1			1	1					
				1					
1	1		2	15		1		1	3
3	5		8					5	1
1	1	1	3	8		1		1	
4	6		10	27		4		4	
	2		2	3					
1			1	3					
	1		1	1					
1			1	1					
	1		1	2					
				2					
7			7	7					
				3					
	1		1	2					
				1					
1			1	1					
	1		2	2					
1			1	6					
				1					
	1		1	1					
				3					
				1					
	3		3	6					
				1					
				1					
				1					
				3					
				1					
				10		1			
				5					
				1					
				1					
				1					
				1					
				2					
				3					

TABLE

to and separations from the Post-Office

206	Flushing, N. Y.	1	1	2	1	3	3	1	1	2
207	Fond du Lac, Wis.		1	1	1	1	1			
208	Fort Atkinson, Wis.		3	8	1	4	4			
209	Fort Dodge, Iowa	1	1	2		2	2		1	1
210	Fort Madison, Iowa									
211	Fort Scott, Kans.		1	1	1	2	2			
212	Fort Smith, Ark.	2	1	3		3	3	1	1	2
213	Fort Wayne, Ind.	5	7	1	2	14	1	15	4	7
214	Fort Worth, Tex.	1	1	2	1	3	1	4	1	1
215	Fostoria, Ohio									
216	Frankfort, Ind.		1	1	1	2		2		
217	Frankfort, Ky.		1	1		1		1		1
218	Franklin, Pa.	1	2	3	1	4		4	2	2
219	Frederick, Md.				1	2		2		
220	Fresport, Ill.		1	1		1		1		1
221	Fremont, Nebr.	1	1	2	2	4		4	1	1
222	Fremont, Ohio		1	1		1		1	1	1
223	Fresno, Cal.	1		1	1	2		2	1	1
224	Fulton, N. Y.		6	6	1	8		8		1
225										
226		1	1	2		2	1	3	1	1
227		1	1	8	3	10		10		
228		2	2	5	1	9		9	3	3
229		1		1	1	2		2	1	1
230										
231		1		1		1		1		1
232			1	1	1	2		2	1	
233		1		1		1		1	1	3
234			1	1		1		1	1	1
235		1		1	1	2		2	1	1
236		1		1	1	5		5		
237									1	1
238										
239										
240			1	1		1		1		
241		4		4	2	6		6	1	4
242		1		1	1	2		2		
243									3	
244			5	5		5		5	1	1
245						1		1		
246			3	3		3		3		
247		2		2		2		2	1	1
248			1	1		1		1		
249			1	1		1		1	1	1
250			1	1	1	2		2	1	1
251		1	1	2		2		2	1	1
252		1		3	1	4		4	1	
253										
254		3	1	4		8		8		
255		2	1	3		3		3	2	2
256										
257										
258	Helena, Mont.	1	1	2	1	3		3	1	1
259		1		1	1	2		2		
260			1	1		1		1		1
261					1	1		1		
262		2	7	9	1	11		11		
263		1	2	3		3		3	1	1
264										
265									1	1
266		1	1	2	2	4		4	1	2
267			1	3		3		3	1	2
268		1		1		1		1		1
269									1	1
270		1		1	1	2	1	2		1
271			1	1	1	4		4		
272	Huntsville, Ala.				1	1		1	1	1





TABLE 34.—*Appointments to and separations from the Post-Office*

Office.	Appointments.							Separations.				
	Original appointments.						Rein- stated.	Nonexcepted.				
	Nonexcepted.				Total appointments.	Nonexcepted.						
	Clerk.		Carrier.	Total.		Post-offices.		Soldiers.	Civilians.	Removed.	Resigned.	Died.
	Male.	Female.										
273 Huron, S. Dak.									1			1
274 Hutchinson, Kans.		2		2	1		1		4	1	2	3
275 Hyde Park, Mass.			1	1	1			1	3			
276 Independence, Iowa												
277 Indiana, Pa.	4	1	6	11					11	1	3	5
278 Indianapolis, Ind.	9		18	27	1	4	1	30	1	3	4	10
279 Ionia, Mich.	1			1					1		1	1
280 Iowa City, Iowa												
281 Iron Mountain, Mich.			1	1					1		3	3
282 Ironton, Ohio					1				2			
283 Ironwood, Mich.											1	1
284 Ishpeming, Mich.												
285 Ithaca, N. Y.			1	1			1		2	2		3
286 Jackson, Mich.		1	2	3			1		4		1	1
287 Jackson, Miss.					1				1		1	1
288 Jackson, Tenn.												
289 Jacksonville, Fla.	1		5	6	1	7		1	8	2	1	3
290 Jacksonville, Ill.			1	1		1			1			
291 Jamaica, N. Y.												
292 Jamestown, N. Y.			1	1		1			1		1	1
293 Janesville, Wis.					1	1			1			
294 Jefferson City, Mo.	2	1		3	1	4			4		1	1
295 Jeffersonville, Ind.			1	1	2	3			3			
296 Jersey City, N. J.	2		7	9		12			12	2	2	3
297 Johnstown, N. Y.			1	1		1			1			
298 Johnstown, Pa.	1	1		2	1	3			3	2		3
299 Joliet, Ill.		1		1		1			1		2	2
300 Joplin, Mo.			1	1	1	2			2		1	1
301 Kalamazoo, Mich.	2			2		2			2	1	1	2
302 Kaukaue, Ill.	1			1	1	2			2		1	1
303 Kansas City, Kans.	1	1	2	4	3	7	4		11	2	3	3
304 Kansas City, Mo.	4		15	19	2	30			30		2	2
305 Kearney, Nebr.				1		1			1			
306 Keene, N. H.			1	1	2	3			3		1	1
307 Kenosha, Wis.			7	7		7			7			
308 Kenton, Ohio			1	1	1	2			2		2	2
309 Keokuk, Iowa			2	2	2	4			4			
310 Kingston, N. Y.				1		1			1			
311 Kittanning, Pa.	1		5	6		6			6		1	1
312 Knoxville, Tenn.	1	1		2	1	3	1		4			
313 Kokomo, Ind.			1	1	1	2			2			
314 Laconia, N. H.				1		1			1			
315 La Crosse, Wis.			2	2	2	6			6		1	1
316 LaFayette, Ind.	2	1	4	7	3	9	1		10	2	4	7
317 Lancaster, Ohio												
318 Lancaster, Pa.	1		1	2	1	4	1		5	1		2
319 Lansing, Mich.	1		1	2	2	4			4	1	1	2
320 Laporte, Ind.	1		3	4		4			4		3	3
321 Laramie, Wyo.			1	1	1	2			2	2		4
322 Laredo, Tex.		2		2		2			2		2	2
323 LaSalle, Ill.												
324 Lawrence, Kans.												
325 Lawrence, Mass.			3	3	2	5			5			
326 Leadville, Colo.	3		1	4	2	7	1		8	2	1	3
327 Leavenworth, Kans.	1			1	1	1			1			
328 Lebanon, Pa.			1	1	1	2			2		2	2
329 Leominster, Mass.			3	3	1	4			4			
330 Lewiston, Me.	1			1	5	6	1		7		1	1
331 Lexington, Ky.			1	1	1	2			2			
332 Lima, Ohio	1			1	1	2			2			
333 Lincoln, Ill.			2	2	2	4			4		1	1
334 Lincoln, Nebr.	7			7	3	10			10	1	2	3
335 Little Falls, N. Y.												
336 Little Rock, Ark.	3	1	2	6	1	8	1		9	2	4	6
337 Lockhaven, Pa.				1		1			1			
338 Lockport, N. Y.	3		1	4		4			4		1	1
339 Logansport, Ind.	2		1	3	1	5			5		4	4
340 Long Island City, N. Y.			1	1	1	3			3	2	1	3



**TABLE 34.—Appointments to and separations from the Post-Office**

Offices.		Appointments.							Separations.				
		Original appointments.					Rein-stated.		Nonexcepted.				
		Nonexcepted.											
		Clerk.		Carrier.	Total.	Total.	Soldiers.	Civilians.	Total appointments.	Removed.	Resigned.	Died.	Total
Male.	Female.												
341	Lorain, Ohio .....						1	1					1
342	Los Angeles, Cal.....	7		3	10	6		16		3	5		8
343	Louisiana, Mo .....			1	1	1		3					
344	Louisville, Ky .....	12	1	8	21	31		44	6				10
345	Lowell, Mass .....	2		3	5	1		6	1				5
346	Lynchburg, Va .....					1		2					
347	Lynn, Mass .....												
348	Macon, Ga .....	3			3			3	1				3
349	Madison, Ind .....	1			1			1					1
350	Madison, Wis .....	2			2			3			2		2
351	Mahanoy City, Pa .....							1			1		1
352	Malden, Mass .....							1					
353	Manchester, N H .....			2	2			3					
354	Manchester, Va .....			6	6			6					
355	Manistee, Mich .....			1	1			1		1			1
356	Manitowoc, Wis .....	1	1		2			2					
357	Mankato, Minn .....							1					
358	Mansfield, Ohio .....	1			1			1					
359	Marblehead, Mass .....			10	10			12					
360	Marietta, Ohio .....			2	2			3			1		1
361	Marinette, Wis .....												
362	Marion, Ind .....							4					
363	Marion, Ohio .....			1	1			1					
364	Marlboro, Mass .....			1	1			1					
365	Marquette, Mich .....			2	3	1		4			1		1
366	Marshall, Tex .....					1		1			1		1
367	Marshalltown, Iowa .....							1					
368	Marysville, Cal .....	1	4		5	1		7			2		2
369	Mason City, Iowa .....	1		1	2			2					
370	Maillon Ohio .....												
371	Mattoon, Ill .....					1		1					
372	Mayeville, Ky .....					1	2	3					
373	McKeesport, Pa .....			1	1			1					
374	Meadville, Pa .....		1		1			1					
375	Medford, Mass .....			1	1			1					
376	Media, Pa .....												
377	Melrose, Mass .....	1	1	3	5		2	7					
378	Memphis, Tenn .....		1	12	13		1	14			2	1	4
379	Menominee, Mich .....					1		1					
380	Meriden, Conn .....						8	8			1		1
381	Meridian, Miss .....		1	2	3			3					
382	Michigan City, Ind .....					1		1					
383	Middleboro, Mass .....					1		1					
384	Middletown, Conn .....												
385	Middletown, N. Y .....					1		1					
386	Middletown, Ohio .....	1			1	1		2					
387	Milford, Mass .....												
388	Millville, N. J .....												
389	Milton, Pa .....			3	3			3					
390	Milwaukee, Wis .....	8		9	17	2	8	27	1	1			
391	Minneapolis, Minn .....	12		13	25		7	32					
392	Mitchell, S. Dak .....												
393	Moberly, Mo .....			1	1	1		2					
394	Mobile, Ala .....												
395	Moline, Ill .....	1		2	3	1	2	6			2	1	
396	Monmouth Ill .....			1	1			1				1	1
397	Montclair, N. J .....												
398	Montgomery, Ala .....	2		3	5	1		6			1	3	3
399	Montpelier, Vt .....											1	1
400	Morristown, N. J .....	1			1			1				1	1
401	Mount Pleasant, Iowa .....					1	1	2					
402	Mount Vernon, N. Y .....	1		1	2			2					
403	Mount Vernon, Ohio .....	2			2	1		3			1		
404	Muncie, Ind .....	3			3		1	4				1	1
405	Muscatine, Iowa .....						1	1				1	1
406	Muskegon, Mich .....		1		1			1			1		1
407	Nanticoke, Pa .....												
408	Napa, Cal .....			3	3			3					

**FIFTEENTH REPORT OF CIVIL SERVICE COMMISSION**

prices during the fiscal year ended June 30.

[illegible]

TABLE 34.—Appointments to and separations from the Post-office

Offices.		Appointments.									Resignations.				
		Original appointments.						Reinstated.			Nonaccepted.				
		Nonaccepted.			Total.	Excepted.	Disclassified.	Total.	Soldiers.	Civilians.	Total appointments.	Removed.	Reassigned.	Died.	Total.
		Male.	Female.	Carrier.											
409	Nashua, N. H.	1			1			1			1				
410	Nashville, Tenn.	4	1		5	1	1	7	1		8	2	2		3
411	Natchez, Miss.			1	1	1	2	5			5		1		1
412	Natick, Mass.			1	1			1			1				
413	Nebraska City, Nebr.														
414	Nevada, Mo.	2		1	3	1		4			4		1	1	2
415	New Albany, Ind.			5	5			5			5	2	1	1	4
416	Newark, N. J.			2	2	1		3			3	5	1	1	7
417	Newark, N. Y.	1			1			1			1				
418	Newark, Ohio	1	2	4	7		1	8	1		9	1	4		5
419	New Bedford, Mass.			2	2		2	5			5				
420	New Brighton, N. Y.	1	1		2			2			2	1			1
421	New Britain, Conn.	1		2	3			3			3		1		1
422	New Brunswick, N. J.			1	1	1		2			2				
423	Newburg, N. Y.														
424	Newburyport, Mass.														
425	Newcastle, Pa.		1	1	2		1	3			3		1		1
426	New Haven, Conn.	2		2	4	2	3	9			9		2		1
427	New London, Conn.						3	3			3				
428	New Orleans, La.	3	1	2	6			6	1		7	2	4	1	7
429	Newport, R. I.		1		1			1			1				
430	Newport News, Va.	2		7	9			9			9		1		1
431	New Rochelle, N. Y.					1		1			1				
432	Newton, Kans.	1	2		3		1	4			4		1		1
433	Newton Center, Mass.	4	3	25	32	2		35		1	36	2	6		4
434	New Whatcom, Wash.			1	1			1			1		1		1
435	New York, N. Y.	167	1	111	279	1	30	310	7	11	328	69	61	43	173
436	Niagara Falls, N. Y.	1		1	2			2			2				
437	Norfolk, Va.	1			1			1			1		2		2
438	Norristown, Pa.			1	1		1	2			2	1			1
439	North Adams, Mass.														
440	North Attleboro, Mass.			4	4			4			4				
441	Northampton, Mass.														
442	Norwalk, Conn.														
443	Norwalk, Ohio		1		1	1		2			2		1		
444	Norwich, Conn.			1	1			1			1	1			
445	Norwich, N. Y.													1	1
446	Newport, Ky.			3	3	1	1	5	1		6				
447	Oakland, Cal.			6	6		6	12			12	1	1		2
448	Oak Park, Ill.			1	1		4	5			5				
449	Oberlin, Ohio											1			
450	Ocean Grove, N. J.			3	3			3		1	4		1		1
451	Ogden, Utah	1			1			1			1		1		1
452	Ogdensburg, N. Y.														
453	Oil City, Pa.														
454	Oklahoma, Okla.	2	1		3	1		4			4	1	2		2
455	Olneyville, R. I.			3	3		1	4			4				
456	Olenn, N. Y.					1		1			1				
457	Olympia, Wash.			1	1	1	1	3			3	1	1		2
458	Omaha, Nebr.	2	2	12	16			16			16		1	2	1
459	Oneida, N. Y.						2	2			2		1		1
460	Oneonta, N. Y.														
461	Orange, N. J.							1			1				
462	Oshkosh, Wis.					1		1			1				
463	Oskaloosa, Iowa												1		1
464	Oswego, N. Y.														
465	Ottawa, Ill.			1	1	1		2			2				
466	Ottawa, Kans.		1	1	2			2			2				
467	Ottumwa, Iowa	2		1	3		1	6			6		2		2
468	Owego, N. Y.	1			1			1			1				
469	Owensboro, Ky.												1		1
470	Owosso, Mich.	1			1			1			1		1		1
471	Paducah, Ky.			1	1			1			1				
472	Painesville, Ohio														
473	Palatine, Tex.	2	1	6	9	2		1			11				
474	Paris, Ill.	2			2	1	1	4			4		2		2
475	Paris, Tex.	1			1			1			1		1		1
476	Parkersburg, W. Va.														





TABLE 34.—Appointments to and separations from the Post-Office

Offices.													
477	Parsons, Kans.....												
478	Pasadena, Cal.....												
479	Pasenic, N. J.....								1	1			
480	Paterson, N. J.....									2			
481	Pawtucket, R. I.....									1			1
482	Peabody, Mass.....												
483	Peekskill, N. Y.....									2	1		3
484	Pekin, Ill.....									3	1		4
485	Pensacola, Fla.....									2			2
486	Peoria, Ill.....									4			4
487	Perth Amboy, N. J.....									1			1
488	Pera, Ind.....									1			1
489	Petersburg, Va.....									1	1		2
490	Petoskey, Mich.....												
491	Philadelphia, Pa.....								126	37	17		160
492	Phillipaburg, N. J.....									1			1
493	Phoenix, Ariz.....												
494	Pinebluff, Ark.....												
495	Piqua, Ohio.....									1			1
496	Pittsburg, Pa.....								7	11	4		22
497	Pittsfield, Mass.....									1			1
498	Pittston, Pa.....									1			1
499	Plainfield, N. J.....												
500	Plattsburg, N. Y.....								1	3			4
501	Plymouth, Mass.....									1			1
502	Pomona, Cal.....												
503	Pontiac, Ill.....												
504	Pontiac, Mich.....								1	1			2
505	Port Chester, N. Y.....												
506	Port Huron, Mich.....									1			1
507	Port Jervis, N. Y.....												
508	Portland, Me.....									1	1		2
509	Portland, Oreg.....								2	5			7
510	Portsmouth, N. H.....									1			1
511	Portsmouth, Ohio.....								1				1
512	Portsmouth, Va.....												
513	Port Townsend, Wa.....												
514	Potsdam, N. Y.....												
515	Pottstown, Pa.....												
516	Pottsville, Pa.....												
517	Poughkeepsie, N. Y.....	2	1	2	5			7			1		1
518	Princeton, N. J.....								1				
519	Providence, R. I.....	13		8	19			26			1	1	3
520	Pueblo, Colo.....	3		1	3			8			4		4
521	Quincy, Ill.....			2	2	1		3			1	1	2
522	Quincy, Mass.....												
523	Racine, Wis.....	1		3	4	1		5			2		3
524	Rahway, N. J.....	2		4	6	1		7					
525	Raleigh, N. C.....		1		1			2			1		1
526	Reading, Pa.....	1			3	1		4			1		1
527	Redlands, Cal.....			5	5			5					
528	Red Oak, Iowa.....			5	5			5					
529	Red Wing, Minn.....												
530	Richmond, Ind.....	1	1	1	3	1	1	5			1		1
531	Richmond, Va.....	1		5	6	1	4	11			3	3	7
532	Riverside, Cal.....												
533	Roanoke, Va.....					1		1					
534	Rochester, Minn.....	1	1	2	4	1		5			2		2
535	Rochester, N. Y.....	4		13	17			17			1	1	3
536	Rockford, Ill.....			1	1			1					
537	Rock Island, Ill.....	2	1	2	5	1	1	7	1				4
538	Rockland, Me.....										4		
539	Rockville, Conn.....												
540	Rome, Ga.....												
541	Rome, N. Y.....			1	1			1			1		1
542	Rutherford, N. J.....			5	5	1	1	7			2		1
543	Rutland, Vt.....			4	4			4			1	1	2
544	Sacramento, Cal.....	2		1	2		1	4			2	1	3



TABLE 34.—*Appointments to and separations from the Post-Office*

Offices.	Appointments.									Separations.					
	Original appointments.						Rein-stated.		Total appointments.	Nonexcepted.					
	Nonexcepted.				Excepted.	Unclassified.	Total.	Soldiers.		Civilians.	Removed.	Resigned.	Died.	Total.	
	Clerk.		Carrier.	Total.											
	Male.	Female.			Male.	Female.	Male.	Female.	Male.	Female.	Male.	Female.	Male.	Female.	
545	Saginaw, East Side, Mich.						2	2			2				
546	Saginaw, West Side, Mich.														
547	St. Albans, Vt.											1			1
548	St. Cloud, Minn.														
549	St. Johnsbury, Vt.					1		1			1				
550	St. Joseph, Mo.			2	2			2			2	1			1
551	St. Louis, Mo.	24		9	33		10	43		4	47	6	13	6	31
552	St. Paul, Minn.	1	2	22	25	1	11	37			37	2	3	2	7
553	Salem, Mass.	2	1		3	2	2	7			7	1	1		2
554	Salem, Ohio.														
555	Salem, Oreg.											1	1		2
556	Salina, Kans.					2		2			2				
557	Salt Lake City, Utah.	4		2	6		1	7			7		4		4
558	San Antonio, Tex.	1	1	2	4			4			4	2	2		4
559	San Bernardino, Cal.			1	1	1		2			2	1			1
560	San Diego, Cal.			1	1		1	2			2	2	1		3
561	Sandusky, Ohio.														
562	San Francisco, Cal.	21		21	42		2	44	2	1	47	12	7	7	26
563	San Jose, Cal.	1			1			1			1	1			1
564	Santa Barbara, Cal.	1			1		1	2			2		1		1
565	Santa Cruz, Cal.		1		1			1			1			1	1
566	Santa Rosa, Cal.	1			1			1			1				
567	Saratoga Springs, N. Y.	2			2			2		1	3	1			1
568	Sault Ste. Marie, Mich.			6	6			6			6				
569	Savannah, Ga.						1	1			1	3			2
570	Schenectady, N. Y.	1			1			1			1		1		1
571	Scranton, Pa.			5	5	1		6			6				
572	Seattle, Wash.	10		7	17			17		1	18		6	1	7
573	Sedalia, Mo.	1	1		2	1		3			3		1		1
574	Selma, Ala.														
575	Seneca Falls, N. Y.	1			1			1			1		1		1
576	Shamokin, Pa.			1	1			1			1	1	1		2
577	Sharon, Pa.														
578	Sheboygan, Wis.	1			1			1			1	1			1
579	Shelbyville, Ind.			1	1	1		2			2				
580	Shenandoah, Pa.					1		1			1				
581	Sherman, Tex.			1	1			1			1			1	1
582	Shreveport, La.	1		2	3	2		5			5		1		1
583	Sidney, Ohio.					1		1			1		1		1
584	Sing Sing, N. Y.						1	1			1				
585	Sioux City, Iowa.			2	2			2			2		1		1
586	Sioux Falls, S. Dak.					1	2	3			3				
587	South Bend, Ind.	1		2	3	1	1	5			5		2		2
588	South Bethlehem, Pa.					1		1			1				
589	South Framingham, Mass.												1		1
590	South Norwalk, Conn.														
591	South Omaha, Nebr.		1	4	5			5			5		3		3
592	Spartanburg, S. C.			6	6			6			6	1			1
593	Spokane, Wash.	6	2	8	16		2	18			18	3	2	1	6
594	Springfield, Ill.			1	1		1	2			2				
595	Springfield, Mass.	7		5	12		11	23			23	3	5		8
596	Springfield, Mo.	1			1	1	1	3			3		1		1
597	Springfield, Ohio.	1		3	4	1	1	6			6	1	2	1	4
598	Stamford, Conn.	1		1	2			2			2		3		3
599	Staunton, Va.	1	1		2			2			2		1		1
600	Sterling, Ill.					1		1			1				
601	Steubenville, Ohio.	1			1	1		2	3		5		2		2
602	Stevens Point, Wis.														
603	Stillwater, Minn.												2		2
604	Stockton, Cal.	4		4	8	1	2	11			11		1		1
605	Streator, Ill.	2			2	1	2	5	1		7	2	1		3
606	Sunbury, Pa.	1			1			1			1				
607	Syracuse, N. Y.	2	1		3			3		1	4	2	1		3
608	Tacoma, Wash.	2	1		3			3			3		1		1









**TABLE 31.—Appointments to and separations from the Post-Office**



TABLE 35.—The number and percentage of separations from seven large post-offices from July, 1896, to June, 1898.

POST-OFFICES: NEW YORK, NEW YORK; PHILADELPHIA, PENN.; BOSTON, MASS.; CHICAGO, ILL.; SAN FRANCISCO, CALIF.; ST. LOUIS, MO.; PITTSBURGH, PA.

Whole number of classified and excepted and unclassified employees.

Post-office.	Classified employees.	Excepted and unclassified employees.	Post-office.	Classified employees.	Excepted and unclassified employees.
New York .....	3,310	325	St. Louis .....	674	70
Chicago .....	2,585	278	Boston .....	1,387	141
Philadelphia .....	1,547	199	Baltimore .....	530	125
Brooklyn .....	902	176			

COMMENT ON THE TABLE SHOWING THE PERCENTAGE OF SEPARATIONS FROM SEVEN LARGE POST-OFFICES.

In proportion to the number of employees the separations from the excepted and unclassified positions are greatly in excess of those from the positions subject to competitive examinations. While this is more notable in respect to removals, it is also true in respect to resignations. The removals in the competitive force vary from one-half per cent to 3 per cent of the entire force within a year, while the removals from the excepted and unclassified places vary from one-half to 62½ per cent in the same length of time.

The advent of the new postmaster was not the occasion of any material change in the competitive force, while the excepted and unclassified force suffered a material change.

In Baltimore and Boston, where there were no changes of postmasters, it will be observed that there were fewer removals than at any other offices. The history of the separations in the Philadelphia office is treated fully elsewhere in this volume (see Philadelphia post-office).

The disparity in changes in the competitive and the excepted and unclassified positions shown as to the offices covered by this table is of course greater in the smaller offices, where the civil-service law is not so faithfully administered.

TABLE 36.—The number of transfers in the classified service during the year ended June 30, 1898.

	Exam- ined.	Not exam- ined.	Total
From positions in the nonapportioned service to similar positions in the apportioned service, under Rule VIII, paragraph 6 .....	3	69	72
From positions in the apportioned service to similar positions in the nonapportioned service, under Rule VIII, paragraph 6.....		29	29
Within the apportioned service—similar positions.....	1	234	235
Within the nonapportioned service—similar positions.....	3	106	109
From one classified post-office to another—similar positions.....		46	46
From clerk in Railway Mail Service to clerk in a classified post-office.....		7	7
From clerk in a classified post-office to—			
Clerk in the Railway Mail Service .....	22	2	24
Compositor in the Government Printing Office .....		1	1
Clerk in the Post-Office Department.....	3	3	6
Post-office inspector .....	7		7
From clerk in the Railway Mail Service to post-office inspector.....	6		6
From clerk in the Interior Department to post-office inspector .....	1	2	3
From clerk in the Treasury Department to post-office inspector.....	2		2
From clerk in the Railway Mail Service to clerk Post-Office Department .....		1	1
From clerk in the Railway Mail Service to clerk Treasury Department .....		1	1
From clerk in a classified post-office to clerk in the Treasury Department.....	1	1	2
From clerk in the Quartermaster's Department to clerk in a classified post-office .....		1	1
From assistant microscopist, Agriculture, to clerk Government Printing Office.....		1	1
From clerk, Railway Mail Service to helper, Government Printing Office .....		1	1
From helper, Government Printing Office, to clerk Railway Mail Service .....		1	1
From positions in the Indian service to positions in the departments ..		6	6
Total .....	49	522	571
a Charged to the apportionment.....	7	79	86
b Credited to the apportionment.....	3	41	44

**TABLE 37.**—*Showing for all branches of the classified service the number examined, the number that failed, and the per cent of failures, the number that passed, the number appointed, and the per cent of those that passed who were appointed, during the several periods covered by the reports of the Commission.*

616

37

333

333

333

3

333

333

333

333

333

333



TABLE 37.—Showing for all branches of the classified service the number examined, the number that failed, and the per cent of failures, the number that passed, the number appointed, and the per cent of those that passed who were appointed, during the several periods covered by the reports of the Commission—Continued.

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